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S. HRG. 100-132

ALABAMA LAND CONVEYANCE AND DESIGNATING THE KINGS RIVER, CALIFORNIA, AS A WILD AND SCENIC RIVER

HEARING

BEFORE THE

SUBCOMMITTEE ON
PUBLIC LANDS, NATIONAL PARKS AND FORESTS

OF THE

COMMITTEE ON
ENERGY AND NATURAL RESOURCES
UNITED STATES SENATE

ONE HUNDRETH CONGRESS

FIRST SESSION

ON

H.R. 626

TO PROVIDE FOR THE CONVEYANCE OF CERTAIN PUBLIC LANDS IN CHEROKEE, DE KALB, AND ETOWAH COUNTIES, ALABAMA, AND FOR OTHER PURPOSES

H.R. 799

TO DESIGNATE A SEGMENT OF THE KINGS RIVER IN CALIFORNIA AS A WILD AND SCENIC RIVER, AND FOR OTHER PURPOSES

MAY 21, 1987

Printed for the use of the
Committee on Energy and Natural Resources

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ALABAMA LAND CONVEYANCE AND DESIGNATING THE KINGS RIVER, CALIFORNIA, AS A WILD AND SCENIC RIVER

THURSDAY, MAY 21, 1987

U.S. SENATE,
SUBCOMMITTEE ON PUBLIC LANDS,
NATIONAL PARKS AND FORESTS,
COMMITTEE ON ENERGY AND NATURAL RESOURCES,
Washington, DC.

The subcommittee met, pursuant to notice, at 1:22 p.m., in room SD-366, Dirksen Senate Office Building, Hon. Dale Bumpers, presiding.

Senator BUMPERS. The subcommittee will come to order.

OPENING STATEMENT OF HON. DALE BUMPERS, A U.S. SENATOR FROM THE STATE OF ARKANSAS

Senator BUMPERS. The purpose of today's hearing is to receive testimony on two measures before the Public Lands, National Parks and Forests Subcommittee.

The measures are: H.R. 799, which designates the Middle and South Forks and part of the Main Stem of the Kings River as Wild and Scenic Rivers; and H.R. 626, a bill to provide for the conveyance of certain public lands in Alabama.

I understand the Kings River is nothing short of spectacular. It has the greatest unobstructed vertical drop in the country and also flows through North America's deepest canyon. It is a popular recreation spot for whitewater kayaking and rafting, as well as a favorite trout stream.

I also understand that there are serious concerns about the water supply in the Kings Valley. Farmers, in particular, are worried about having enough water for irrigation. Right now, the area's aquifer is being overdrawn by about 450,000 acre-feet a year.

Others are concerned about the potential flooding of valuable cropland in the Kings River area, while still others would like to tap what they view as an important source of energy.

Legislation such as this often brings those who have concerns over water supply, flood control, and electric power head-to-head with those who are concerned about the natural and scenic qualities of our wild rivers.

In the case of the Kings River, a compromise has been worked out that almost all of the affected parties have agreed to. I am, therefore, particularly interested in hearing the witnesses' views on this legislation.

Likewise, all parties concerned with the Alabama land conveyance legislation appear to be in agreement. Both the Department of the Interior and the property owners would like to resolve this issue expeditiously.

At this point, I will place copies of these bills in the hearing record.

[The texts of H.R. 626 and H.R. 799 follows:]

II

100TH CONGRESS
1ST SESSION

H. R. 626

IN THE SENATE OF THE UNITED STATES

MARCH 11, 1987

Received; read twice and referred to the Committee on Energy and Natural Resources

AN ACT

To provide for the conveyance of certain public lands in Cherokee, De Kalb, and Etowah Counties, Alabama, and for other purposes.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That, notwithstanding any other provision of law, the Secretary of the Interior is authorized and directed to convey, without consideration, all right, title, and interest of the United States in those public lands originally granted and conveyed to the State of Alabama by the United States pursuant to the Act of June 3, 1856 (11 Stat. 17), in aid of the Coosa and Chattooga Railroad and subsequently forfeited to the United States pursuant to the Act of September 29, 1890

(26 Stat. 496), to any trustee qualified under the laws of the State of Alabama to do business as a trustee and approved by the Secretary of the Interior. Such trustee shall convey said right, title, and interest in those lands, in such manner as he determines appropriate, to those persons whom he determines to be current owners of record of the balance of the interests in such lands. No costs incurred by the trustee in implementing his responsibilities under this Act shall be borne by the United States.

SEC. 2. All minerals shall be reserved to the United States together with the right to prospect for, mine and remove the same.

Passed the House of Representatives March 10, 1987.

Attest: DONNALD K. ANDERSON,

Clerk.

II

100TH CONGRESS
1ST SESSION

H. R. 799

IN THE SENATE OF THE UNITED STATES

APRIL 22 (legislative day, APRIL 21), 1987

Received; read twice and referred to the Committee on Energy and Natural Resources

AN ACT

To designate a segment of the Kings River in California as a wild and scenic river, and for other purposes.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. DESIGNATION OF KINGS RIVER.

(a) DESIGNATION.—Section 3(a) of the Wild and Scenic Rivers Act (16 U.S.C. 1274(a)) is amended by adding the following new paragraph at the end:

"(62) KINGS, CALIFORNIA.—The Middle Fork of the Kings River from its headwaters at Lake Helen between Muir Pass and Black Giant Mountain to its confluence with the main stem; the South Fork, Kings River from its headwaters at Lake 11599 to its confluence with the main stem;

and the main stem of the Kings River from the confluence of the Middle Fork and the South Fork to the point at elevation 1595 feet above mean sea level. The segments within the Kings Canyon National Park shall be administered by the Secretary of the Interior. The remaining segments shall be administered by the Secretary of Agriculture. After consultation with State and local governments and the interested public and within one year after the enactment of this paragraph, the respective Secretaries shall take such action as is required under subsection (b) of this section. In the case of the segments of the river administered by the Secretary of the Interior, the requirements of subsection (b) shall be fulfilled through appropriate revisions to the general management plan for Kings Canyon National Park, and the boundaries, classification, and development plans for such segments need not be published in the Federal Register. Such revisions to the general management plan for the park shall assure that no development or use of park lands shall be undertaken that is inconsistent with the designation of the river under this paragraph. For the purposes of the segments designated by this paragraph, there are authorized to be appropriated such sums as may be necessary to carry out the purposes of this paragraph.".

(b) RENUMBERING.—Section 3(a) of the Wild and Scenic Rivers Act (16 U.S.C. 1274(a)) is amended by redes-

ignating the paragraphs relating to the Cache La Poudre River, the Saline Bayou, Black Creek, the Klickitat, and the White Salmon as paragraphs (57) through (61), respectively.

SEC. 2. SPECIAL MANAGEMENT AREA.

(a) ESTABLISHMENT.—In order to provide for public outdoor recreation use and enjoyment of certain areas within the Sierra National Forest and the Sequoia National Forest, to protect those areas' natural, archaeological, and scenic resources, and to provide for appropriate fish and wildlife management of those areas, there is hereby established the Kings River Special Management Area (hereinafter in this Act referred to as the "special management area"). The special management area shall be administered by the Secretary of Agriculture (hereinafter in this Act referred to as "the Secretary") as a separate unit of the Sierra National Forest. The boundaries of the Sierra National Forest and the Sequoia National Forest shall be adjusted accordingly.

(b) AREA INCLUDED.—The special management area shall consist of the lands, waters, and interests therein within the area generally depicted on the map entitled "Boundary Map, Kings River Special Management Area," dated April 1987. The map shall be on file and available for public inspection in the offices of the National Forest Service, Department of Agriculture. The Secretary of Agriculture may from

time to time make minor revisions of the boundary of the special management area.

(c) ADMINISTRATION.—The Secretary shall administer the special management area in accordance with this Act and with the provisions of law generally applicable to units of the national forest system. In the case of any conflict between the provisions of such Acts, the provisions of this Act shall govern. In the administration of the special management area the Secretary may utilize such statutory authority as may be available to him for the conservation of wildlife and natural resources as he deems necessary to carry out the purposes of this Act. Nothing in this Act shall be construed to prohibit grazing within the special management area to the same extent, and in accordance with the same rules and regulations as applicable in the absence of this Act. The Secretary may permit the cutting of timber within the special management area only in those cases where in the judgment of the Secretary the cutting of such timber is required in order to control the attacks of fire, insects, or diseases or to otherwise conserve the scenery or the natural or historical objects in the area.

(d) MINING AND MINERAL LEASING.—Subject to valid existing rights, lands within the special management area are withdrawn from location, entry, and patent under the mining laws of the United States, from the operation of the mineral

leasing laws of the United States and from operation of the Geothermal Steam Act of 1970.

(e) HUNTING AND FISHING.—The Secretary shall permit hunting, and fishing on lands and waters within the special management area in accordance with applicable Federal and State law. The Secretary may designate zones where, and establish periods when, such activities will not be permitted for reasons of public safety, administration, fish and wildlife management or public use and enjoyment. Except in emergencies and regulations issued by the Secretary under this subsection shall be put into effect only after consultation with the appropriate State agencies responsible for hunting and fishing activities.

(f) MANAGEMENT PLAN.—After consultation with the State of California, the Secretary shall publish a management plan for the special management area within three years after the enactment of this Act. The plan shall provide for public outdoor recreation use and enjoyment of the special management area, protect area's natural, archeological, and scenic resources, and provide for appropriate fish and wildlife management within the area. The plan shall contain provisions for management of vegetation within the area designed to enhance the wildlife carrying capacity of the area. The plan shall permit off-road vehicular use of off-road trails to the same extent and in the same locations as was permitted

before enactment of this Act. The plan shall provide for the development of hiking trails in the special management area and shall include a trail from Garlic Creek to Little Tehipite Valley.

(g) ACCESS TO PRIVATE LANDS.—If any State or privately owned land or any valid mining claim or other valid occupancy is within the special management area, or if State or private subsurface rights underly public lands within the special management area, the Secretary shall provide the State or private owner, claimant, or occupier and their successors in interest such rights as may be necessary to assure adequate and feasible access for economic and other purposes to the site concerned. Such rights shall be subject to reasonable regulations issued by the Secretary to protect the natural and other values of the special management area, taking into account the traditional and customary means of access used prior to the enactment of this Act.

(h) SPECIFIC PROTECTIONS.—In recognition of the dispute that exists over whether a dam project should be constructed in the segment of the Main Stem of the Kings River from the point at elevation 1595 feet above mean sea level downstream to the point at elevation 990 feet above mean sea level, Congress declares its intention at this time not to designate that segment of the Kings River as a component of the Wild and Scenic Rivers System. Notwithstanding any

other provision of law, no Federal lands may be used for the construction of any dam or diversion within the boundaries of the special management area without specific authority of the Congress. In order to protect the natural, cultural, recreational, fishery, and wildlife values of the river segment referred to in this subsection, that segment shall be subject to the provisions of section 7(a) of the Act of October 2, 1986 (82 Stat. 906) in the same manner as if it were designated. Nothing in this Act shall preclude the Kings River Conservation District from conducting studies as it may deem appropriate.

Passed the House of Representatives April 21, 1987.

Attest: DONNALD K. ANDERSON,

Clerk.

Senator BUMPERS. The hearing record will remain open for two weeks to receive additional comments and materials.

Our first witness today on H.R. 799 is Senator Alan Cranston.

Senator Cranston, we are very pleased to have you. Please feel free to summarize. Your entire statement will be submitted for the record.

STATEMENT OF HON. ALAN CRANSTON, A U.S. SENATOR FROM THE STATE OF CALIFORNIA

Senator CRANSTON. Mr. Chairman, Dale, thank you very, very much for holding this hearing today on H.R. 799, designating a segment of the Kings River in California as a National Wild and Scenic River. I will be very brief, summarizing my longer statement.

The Kings River is clearly one of America's most extraordinary rivers. Among all the rivers in the United States, the Kings has the greatest unobstructed vertical drop—11,259 feet.

In this sense, the Kings is the nation's greatest free-flowing river. The Kings also flows through the deepest canyon in North America. At 8,240 feet, it far exceeds the depth of the Grand Canyon.

The Main Fork of the Kings River is California's largest wild trout stream, designated for protection by the State Department of Fish and Game. And the river is one of the State's most popular whitewater runs, used by 24,000 people in 1986.

Tens of thousands of people come to the Kings each year, to camp, swim, inner-tube, picnic, and use the designated National Recreation Trail, which runs along the river.

Without doubt, the Kings River merits inclusion in the National Wild and Scenic River system.

In March, I introduced legislation, S. 805, to designate 93 miles of the Kings River from its origins high in the Sierra Nevadas, in Kings Canyon National Park, to its confluence with Pine Flat Reservoir as a National Wild and Scenic River.

My bill precludes the construction of the Rodgers Crossing Dam, which has been proposed off and on for a number of years as a source of irrigation water and hydroelectric power.

H.R. 799, as passed by the House, designates 81 miles of the Kings River as a Wild and Scenic River and gives Section 7(a) protection to an additional 11 river miles.

Section 7(a) of the Wild and Scenic Rivers Act, as the committee knows, prohibits the Federal Energy Regulatory Commission from issuing any licenses for any water development or diversion projects on the affected river and prohibits other Federal agencies from assisting with such development.

In other words, H.R. 799 gives the 11 miles Federal protection, but not formal Wild and Scenic River designation.

So, while construction of Rodgers Crossing Dam would not be allowed without specific Congressional approval, the bill leaves open the possibility of future project authorization, without removing the river segment from the Wild and Scenic Rivers system.

Additionally, H.R. 799 establishes the Kings River Special Management Area, containing approximately 48,000 acres of national

forest lands on both sides of the river, including the 11 mile Rodgers Crossing segment. This is very significant, because it provides unified management of the river corridor, which is now in two separate national forests and protects the Kings River Canyon from top to bottom from commercial timber harvesting, new mining, and expanded off-road vehicle activity.

Mr. Chairman, my basic view is that the entire 93 miles of the Kings River deserve Wild and Scenic River status, and I hope that a future Congress will so designate all eligible segments of the river. But, I am prepared to support the compromise embodied in H.R. 799, and I do so.

I want to commend Congressman Rick Lehman for his outstanding leadership in developing a consensus among the various interests. He has done a remarkable piece of work on this matter.

The compromise prevents the construction of the environmentally destructive Rodgers Crossing Dam, one of the things I wanted to accomplish, and something we might not have been able to achieve otherwise in this Congress—without Rick's work.

In fact, as a result of this compromise, the Kings River Conservation District has already dropped its studies of Rodgers Crossing Dam.

Mr. Chairman, finally I want to make it clear that I view the Kings River as a unique situation, and I do not want to see the creation of a Kings River Special Management Area and Section 7(a) protection used as a precedent for new management classifications in lieu of Wild and Scenic River designations in the future.

I have no intention of supporting such alternative classification for other California rivers, which qualify for inclusion in the National Wild and Scenic River System.

But in the case of Kings, this is a good middle ground, so I urge the committee to approve H.R. 799, as passed by the House.

And I thank you very, very much once again.

[The prepared statement of Senator Cranston follows:]

STATEMENT BY SENATOR ALAN CRANSTON
BEFORE THE SENATE ENERGY AND NATURAL RESOURCES COMMITTEE
SUBCOMMITTEE ON PUBLIC LANDS, NATIONAL PARKS, AND FORESTS
IN SUPPORT OF H.R. 799, DESIGNATING A SEGMENT OF
THE KINGS RIVER AS A WILD AND SCENIC RIVER
May 21, 1987

Mr. Chairman, I want to thank you for holding this hearing today on H.R. 799, designating a segment of the Kings River in California as a national wild and scenic river.

The Kings River is clearly one of America's most extraordinary rivers. Among all the rivers in the United States, the Kings has the greatest unobstructed vertical drop -- 11,259 feet. In this sense, the Kings is the nation's greatest free-flowing river. The Kings also flows through the deepest canyon in North America. At 8,240 feet, it far exceeds the depth of the Grand Canyon. The main fork of the Kings River is California's largest wild trout stream, designated for protection by the State Department of Fish and Game. And the river is one of the state's most popular whitewater runs, used by 24,000 people in 1986. Tens of thousands of people come to the Kings each year to camp, swim, inner tube, picnic and use the designated National Recreation Trail which runs along the river.

Without doubt, the Kings River merits inclusion in the national wild and scenic rivers system.

As you know, in March I introduced legislation, S. 805, to designate 93 miles of the Kings River from its origins high in the Sierra Nevada in Kings Canyon National Park to its confluence with Pine Flat Reservoir as a national wild and scenic river. My bill precludes the construction of the Rodgers Crossing Dam which has been proposed off and on for a number of years as a source of irrigation water and hydroelectric power.

H.R. 799 as passed by the House designates 81 miles of the Kings River as a wild and scenic river and gives section 7(a) protection to an additional 11 river miles. Section 7(a) of the Wild and Scenic Rivers Act, as the Committee knows, prohibits the Federal Energy Regulatory Commission from issuing any licenses for any water development or diversion projects on the affected river and prohibits other federal agencies from assisting with such development. In other words, H.R. 799 gives the 11 miles federal protection, but not formal wild and scenic river designation. So while construction of Rodgers Crossing Dam would not be allowed without specific Congressional approval, the bill leaves open the possibility of future project authorization without removing the river segment from the wild and scenic rivers system.

Additionally, H.R. 799 establishes the Kings River Special Management Area containing approximately 48,000 acres of national forest lands on both sides of the river, including the 11 mile Rodgers Crossing segment. This is very significant because it provides unified management of the river corridor which is now in two separate national forests and protects the Kings River canyon from top to bottom from commercial timber harvesting, new mining and expanded off-road vehicle activity.

S. 799 specifically provides that the special management area be administered for the protection of natural, recreational and scenic resources. Grazing may continue. Hunting and fishing are permitted in accordance with state and federal law. Vegetation management is permitted to improve the carrying capacity for the North Fork deer herd. But timber harvesting is limited to that necessary to control fire, insects and disease. Lands are withdrawn from mining and mineral leasing subject to valid existing mining rights. And off-road vehicle use is limited to existing off-road vehicle trails.

I understand other witnesses today may raise questions about the boundaries of the Kings River Special Management Area. I want to point out that boundaries are the same as the Forest Service's RARE II Kings River Roadless Area, with the minor addition of 640 acres at Garlic Meadows and the deletion of a small parcel of private land. The special management area does not include Oat Mountain, an adjacent area of importance to California conservationists. However, any addition or deletion of significant acreage could jeopardize the delicate compromise that has been achieved in H.R. 799.

Mr. Chairman, I continue to feel that the entire 93 miles of the Kings River deserve wild and scenic river status, and hope that a future Congress will so designate all eligible segments of the river. But I also support the compromise embodied in H.R. 799.

I want to commend Congressman Rick Lehman for his outstanding leadership in developing a consensus among the various interests. The compromise prevents the construction of the environmentally destructive Rodgers Crossing Dam, one of the things I wanted to accomplish and something we may not have been able to achieve otherwise in this Congress. In fact as a result of this compromise, the Kings River Conservation District has already dropped its studies of Rodgers Crossing Dam.

Mr. Chairman, I want to make it clear that I view the Kings River as a unique situation and do not want to see the creation of a Kings River Special Management Area and section 7(a) protection used as a precedent for new management classifications in lieu of wild and scenic river designations in the future. I have no intention of supporting such alternative classifications for other California rivers which qualify for inclusion in the national wild and scenic rivers system.

But in the case of the Kings, this is a good middle ground. I urge the Committee to approve H.R. 799 as passed by the House.

Save-the-Redwoods League

114 SANSOME STREET, ROOM 605, SAN FRANCISCO, CALIFORNIA 94104
TELEPHONE (415) 362-2352

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OBJECTS

1. *To rescue* from destruction representative areas of our primeval forests.
2. *To co-operate* with the California State Park Commission, the National Park Service, and other agencies, in establishing Redwood parks and other parks and reservations.
3. *To purchase* Redwood groves by private subscription.
4. *To foster* and encourage a better and more general understanding of the value of the primeval Redwood or Sequoia and other forests of America as natural objects of extraordinary interest to present and future generations.
5. *To support* reforestation and conservation of our forest areas.

May 15, 1987

Senator Alan Cranston
112 Hart Senate Office Building
Washington, D.C. 20510

Dear Alan:

The Save-the-Redwoods League supports the timber harvest boundary established for the Converse Basin in the Kings River Wild and Scenic River legislation passed by the House of Representatives. The League urges the United States Senate to preserve the Kings River with legislation that parallels the bill passed by the House.

Sincerely,

John B. Dewitt

JBD/agg

cc: Don Furman

Senator BUMPERS. Alan, I know that you are on a tight schedule, so I won't detain you. And I think we are so much in agreement that there is not very much to talk about anyway.

Senator CRANSTON. Great.

Senator BUMPERS. But I thank you very much for coming over to give us your thoughts on this.

Senator CRANSTON. Thank you, Dale, very, very much.

Senator BUMPERS. I see Judge Heflin is not here yet.

Our next witness, Senator Wilson, I do not believe is here, either. I will just go down the list.

Next is Hon. Charles Pashayan.

Senator CRANSTON. The House has a roll call, so that is why he and the other Congressmen are not here yet.

Senator BUMPERS. OK. Then Tom Bevill is not here, nor Richard Lehman.

Is Denis Galvin, Deputy Director of the Park Service here?

Mr. Galvin, please proceed.

STATEMENT OF DENIS P. GALVIN, DEPUTY DIRECTOR, NATIONAL PARK SERVICE, DEPARTMENT OF THE INTERIOR

Mr. GALVIN. Mr. Chairman, I will summarize my statement, if it can be submitted for the record.

I appreciate the opportunity to provide the views of the Department on S. 805 and H.R. 799.

My testimony will address only the effect of this designation on Kings Canyon National Park, which contains some of the mileage of the Kings River.

We support the provisions of S. 805 or H.R. 799 that affect Kings Canyon National Park. We understand, however, that the Department of Agriculture will articulate the reasons for the Administration's opposition to Section 2 of H.R. 799, which affects areas outside the national park.

Both bills provide for the meeting of the planning requirements of the Wild and Scenic Rivers Act by the National Park Service General Management Planning process. This is consistent with language adopted by the Congress for other wild and scenic rivers designated within national parks. Without this language, we would have to prepare a separate river plan, and the language in the bill is much preferable to that.

Of the 35 miles of the Middle Fork of the Kings River, 28 miles are within Kings Canyon National Park, and of the 41 miles on the South Fork, 29 miles are within the park.

S. 805 would designate 12 miles on the main stem that are not designated in H.R. 799. Furthermore, the House bill would establish a Kings River Special Management Area within two national forests. We defer to the views of the Forest Service on these provisions.

The entire Middle Fork, both within and outside the park, crosses land designated as wilderness. All of the South Fork, except the lower seven miles within the park, which is in a developed area, is also designated wilderness. Designation of these portions of river segments as components of the National Wild and Scenic Rivers System would be consistent with the earlier wilderness designations by Congress.

That concludes my prepared statement.

Thank you, Mr. Chairman.
[The prepared statement of Mr. Galvin follows:]

STATEMENT OF DENIS P.GALVIN, DEPUTY DIRECTOR, NATIONAL PARK SERVICE, DEPARTMENT OF THE INTERIOR, BEFORE THE SUBCOMMITTEE ON PUBLIC LANDS, NATIONAL PARKS AND FORESTS, SENATE COMMITTEE ON ENERGY AND NATURAL RESOURCES, CONCERNING S. 805 AND H.R. 799, TO DESIGNATE A SEGMENT OF THE KINGS RIVER AS A COMPONENT OF THE WILD AND SCENIC RIVERS SYSTEM.

MAY 21, 1987

Mr. Chairman, I appreciate the opportunity to provide your subcommittee with the views of this Department on S. 805. H.R. 799 is a similar bill, which passed the House of Representatives on April 21. Both bills would designate different segments of the King River in California as components of the Wild and Scenic Rivers System. Both bills would designate identical mileage within Kings Canyon National Park, and the remainder crosses other Federal lands. My testimony will address only the effect of this designation on the national park. We defer to the views of the Department of Agriculture with respect to those portions of these river segments that cross National Forest lands.

We support the provisions of S. 805 or H.R. 799 that affect Kings Canyon National Park. We understand, however, that the Department of Agriculture will articulate the reasons for the Administration's opposition to section 2 of H.R. 799. We note that both bills provide that the planning requirements of the Wild and Scenic Rivers Act will be met by our General Management Planning process. This is consistent with language adopted by the Congress for other rivers designated within national parks, such

as the Cache La Poudre in Rocky Mountain National Park, Colorado. Without this language, the National Park Service would be required to prepare a separate river plan and boundaries for those segments of the river within Kings Canyon National Park, an unnecessary procedure, since river designation within park boundaries does not prohibit mineral development, timber harvesting, or private water projects. National park status already prohibits such non-park uses.

S. 805 and H.R. 799 would designate identical segments of the Middle Fork and the south Fork of the Kings River as components of the Wild and Scenic Rivers System. Of the 35 miles on the Middle Fork, 28 miles are within Kings Canyon National Park; of the 41 miles on the South Fork, 29 miles are within the park. The remaining segments and the entire Main Stem are on National Forest lands.

S. 805 would designate 12 miles on the Main Stem that are not designated in H.R. 799. Further, the House bill would establish a Kings River Special Management Area within two national forests. We defer to the views of the Forest Service on these provisions.

The entire Middle Fork, both within and outside the park, crosses land designated as wilderness. All of the South Fork, except the lower seven miles that lies within the park, is also designated wilderness. Designation of these portions of river segments as components of the National Wild and Scenic Rivers System would be consistent with the earlier wilderness designations by Congress.

This concludes my prepared testimony, Mr. Chairman. I would be pleased to respond to any questions that you or other members of the subcommittee may have.

Senator BUMPERS. Mr. Galvin, I thank you very much for your testimony. I do not have any questions of you.

Is Robert H. Lawton, Assistant Director for Energy and Mineral Resources of the BLM here?

[Pause.]

Senator BUMPERS. Mr. Lawton, you are testifying on the Alabama bill, right?

Mr. LAWTON. Yes, sir.

Senator BUMPERS. Please proceed, and feel free to summarize. Your whole statement will be inserted into the record.

STATEMENT OF ROBERT H. LAWTON, ASSISTANT DIRECTOR, ENERGY AND MINERAL RESOURCES, BUREAU OF LAND MANAGEMENT, DEPARTMENT OF THE INTERIOR

Mr. LAWTON. Thank you, Mr. Chairman.

My name is Robert Lawton, and I am the Assistant Director for Energy and Mineral Resources with the Bureau of Land Management.

I appreciate the opportunity to appear today to discuss H.R. 626.

We do not object to the enactment of H.R. 626.

The history of this is a long and unusual history. Ownership of these lands has long been clouded and uncertain, which has brought about the refusal of title companies to issue title insurance for the affected residents.

Therefore, we believe it is appropriate that the land ownership problems be resolved.

I would like to point out for the record that there are under existing laws several methods available to the Bureau of Land Management and to the claimants to resolve these title problems.

Claimants could file under the Color of Title Act with BLM to clear their titles; however, to attempt to resolve this situation through color of title transfer would be time-consuming and costly. We have a large number of claimants—524—who would have to come in and make application, and it is likely that all of them could not qualify because of the conditions of the existing situation where they know there is a title problem. Therefore color of title would be a problem.

Also, historically, the United States only receives about 10 percent of fair market value when we transfer land under the color of title. Therefore, as I indicated, processing approximately 524 cases would be extremely expensive and would take years to complete.

Another method for resolving this situation would be under the Act of March 3, 1887. This Act allows the holder of these lands to purchase from the Federal Government at fair market value the interest outstanding. This process also would be time-consuming and quite costly. It would also involve separate appraisals on each property involved.

Section 203 of the Federal Land Policy and Management Act also provides for sale of public lands. Again, under this process, it would involve considerable time and expense to both the government and to the claimants.

Although these methods are available for providing ownership transfer, we believe that H.R. 626 is the simplest and most cost-ef-

fective disposal alternative. H.R. 626 would result in minimal administrative cost to the Federal Government and would quickly result in final resolution of the title problem.

The trustee provision of the bill would relieve the Federal Government of the administrative problems usually associated with public land disposals.

With regard to the trustee provision in H.R. 626, we note that the bill was amended in the House to explicitly state that no costs associated with the transferee-ship will be borne by the United States.

The Department has requested in testimony before the House Committee on Interior and Insular Affairs that the legislation be amended to make beneficiaries of H.R. 626, not the Federal Government, responsible for the trustees' costs.

We support the House amendment which clarifies this matter.

I believe this pretty much summarizes our position on this bill. And, as I indicated, we have no objection to its passage.

[The prepared statement of Mr. Lawton follows:]

MAY 21 1987

STATEMENT OF ROBERT H. LAWTON, ASSISTANT DIRECTOR, ENERGY AND MINERAL RESOURCES, BUREAU OF LAND MANAGEMENT, UNITED STATES DEPARTMENT OF THE INTERIOR, BEFORE THE SUBCOMMITTEE ON PUBLIC LANDS, NATIONAL PARKS AND FORESTS, COMMITTEE ON ENERGY AND NATURAL RESOURCES, UNITED STATES SENATE, ON H.R. 626, AN ACT "TO PROVIDE FOR THE CONVEYANCE OF CERTAIN PUBLIC LANDS IN CHEROKEE, DE KALB, AND ETOWAH COUNTIES, ALABAMA, AND FOR OTHER PURPOSES."

I appreciate the opportunity to appear here today to discuss H.R. 626.

H.R. 626 would direct the Secretary of the Interior to convey, without consideration, all interest of the United States in public lands originally conveyed by the United States to the State of Alabama pursuant to the Act of June 3, 1856, in aid of the Coosa and Chattooga Railroad and subsequently forfeited to the United States pursuant to the Act of September 29, 1890. The lands would be conveyed to a trustee qualified under the laws of Alabama and approved by the Secretary of the Interior. The trustee would be directed to convey the interest of the United States in the lands to persons he determines to be current owners of record of the balance of the interest in the lands. No costs incurred by the trustee would be borne by the United States. All minerals would be reserved to the United States.

We do not object to enactment of H.R. 626.

When Congress enacted the Act of June 3, 1856, it granted alternate odd-numbered sections of land, up to six sections on each side of the rail line, to the State of Alabama for the purpose of aiding the construction of railroads. From the period 1881 to 1884, the Secretary of the Interior certified approximately 16,000 acres of land to the State of Alabama as being

within the congressional grant to be held in trust for the Coosa and Chattooga Railroad until such time as that railroad was actually constructed. In certain instances some of these lands conflicted with or overlapped grants for certain other railroads, primarily the Alabama and Chattanooga Railroad. The Coosa and Chattooga railroad was never constructed. Under the terms of the Act of September 29, 1890, title to the lands which had been held in trust for the Coosa and Chattooga revested in the United States. The Alabama and Chattanooga Railroad was, however, constructed. Therefore, title to lands held in trust for that line vested. In instances where lands held in trust for the two railroads overlapped, a one-half undivided interest vested in the Alabama and Chattanooga Railroad and the remainder which had been held in trust for the Coosa and Chattooga Railroad reverted to the United States.

In 1882 the Alabama legislature enacted a statute which claimed that title to all of the lands, including those within the conflicting areas, was vested in whatever railroad was actually constructed. However, the Alabama Supreme Court, in 1898, ruled that title to the overlapping lands did not pass in its entirety to the completed line, but that one-half undivided interest reverted to the United States under the Act of September 29, 1890. In spite of this ruling, the interest in the lands which reverted was conveyed by the railroads to third parties. The invalid claims of title which exist today began with this attempt by the State of Alabama to convey the entire interest in the grant lands to the completed railroad and the railroads' subsequent attempt to convey full title to third parties.

At the present time the United States retains a 50 percent interest in 14,872 acres and a 33 1/3 percent interest in 798 acres of these lands.

Although the United States and some of the affected residents in Alabama have known about this title problem for many years, it was not until a Federal Court ruling in March of last year that wide-spread attention was focused on the situation. As a result of that ruling, in which the United States' partial interest was affirmed, title companies will no longer guarantee title insurance policies of the affected residents.

There are several methods available to the Bureau of Land Management (BLM) and the claimants to resolve this title problem.

Claimants could file claims under the Color-of-Title Act with BLM. However, to attempt to resolve this situation through color-of-title claims for such a large number of claimants would prove to be an extremely costly and time consuming process to the claimants as well as to the Federal Government. It is expected that some claimants would be unsuccessful due to the good faith requirements of the Color-of-Title Act since some have had knowledge of the title problem for several years. On the average, the United States receives about 10 percent of the fair market value in color-of-title cases. Processing approximately 524 cases would be extremely expensive and take years to complete.

Complicated trust agreements would be required due to multiple ownership. The cost to the government of processing such claims would be significantly higher than the price received from the sale of the lands.

Another method of resolution would be under the Act of March 3, 1887. That Act allows the holder to purchase the government's interest at fair market value. This procedure would also be time consuming and costly. Separate appraisals would be required for each property and we would anticipate strong opposition from claimants having to pay for what they believe has been their property. Over the last 60 years, less than a dozen residents have purchased the government's interest in the land. The vast majority of affected persons have been unaware of the title problem and would therefore probably choose to pursue their claims under the Color-of-Title Act since they have believed they have had good title to the lands all the time. In many cases the lands have been in the same families for several generations. We estimate that about 524 claims would be covered by the Act of March 3, 1887.

Section 203 of the Federal Land Policy and Management Act (FLPMA) also provides for the sale of public lands. Again, this procedure would prove very costly and time consuming because of the conditions and requirements contained in section 203 and the possible applicability of the Color-of-Title Act to most of the cases.

We believe that H.R. 626 is the simplest and most cost effective disposal alternative. H.R. 626 would result in minimal administrative costs to the Federal Government and would quickly result in final resolution of the title problem. The trustee provision of the bill would relieve the Federal Government of the administrative problems usually associated with public land disposals.

With regard to the trustee provision in H.R. 626, we note that the bill was amended in the House to explicitly state that no costs associated with the trusteeship will be borne by the United States. The Department had requested in testimony before the House Committee on Interior and Insular Affairs that the legislation be amended to make beneficiaries of H.R. 626, not the Federal Government, responsible for the trustee's costs. We support the House amendment which clarifies the matter.

I will be pleased to respond to any questions you may have.

Senator BUMPERS. I thank you very much.

We do not have any questions for you, Mr. Lawton, but I appreciate very much your coming over to give your testimony.

I think this is a fairly noncontroversial item.

Mr. LAWTON. Very good.

Thank you, sir.

Senator BUMPERS. Is George Leonard, Associate Chief of the U.S. Forest Service here?

[Pause].

Senator BUMPERS. Mr. Leonard, please proceed.

STATEMENT OF GEORGE M. LEONARD, ASSOCIATE CHIEF, FOREST SERVICE, DEPARTMENT OF AGRICULTURE

Mr. LEONARD. Thank you, Mr. Chairman.

I appreciate the opportunity to present the views of the Department of Agriculture regarding this bill.

Section 1 of H.R. 799 would designate a segment of the Kings River in California as a Wild and Scenic River.

Section 2 would establish the Kings River Special Management Area on lands now part of the Sequoia and Sierra National Forest. It would modify the existing geographical boundary between the two forests so that the entire special management area would be within the Sierra National Forest, and it would grant a 13 mile segment of the Main Stem of the Kings River the same protection from development that would apply as if it had been designated as a part of the National Wild and Scenic Rivers System.

While the Department of Agriculture supports the designation of the Kings River as a Wild and Scenic River, the department opposes enactment of H.R. 799 unless Section 2 is deleted.

Mr. Chairman, there is no question that the Main Stem, the South Fork and the Middle Fork of the Kings River are eligible for addition to the Scenic River System, for much the reasons that were articulated by Senator Cranston just a minute ago.

The preferred alternative in the Sierra Draft Forest Plan—and our testimony on this bill before the House recommended that a 13 mile section of the Main Stem of the Kings River, from Garlic Meadow Creek to Pine Flat Reservoir be deferred until an economic study of the dam and reservoir was completed by the Kings River Conservation District.

It is our understanding that the Conservation District has dropped their study.

Based on this understanding, it seems that these 13 miles should also be considered for addition to the National Wild and Scenic River System.

In our judgment, designation of a Special Management Area, as provided in Section 2, is not necessary and would impose unnecessary management costs.

Adjustment of national forest boundaries is also not necessary in order to assure coordinated management of the area, and would change the present distribution of receipts to the counties within the two forests.

We believe that Section 2 is inconsistent with existing statutes. For example, the provisions of Subsection (g), pertaining to access

to private lands, would cause confusion with Section 1323(a) of the Alaska National Interest Lands Conservation Act, which is a generic access provision applicable to the entire National Forest System.

That provision grants access, subject to reasonable terms and conditions.

With respect to the specific protections of Subsection (h), we do not believe the restrictions of the Wild and Scenic Rivers Act should be applied to river segments not designated as either components of the national system or as study rivers.

If the intent is to preclude licensing of dams, this can be achieved by expressly excluding licensing under the Federal Power Act or other Federal authorizations for dams.

In summary, Mr. Chairman, we believe the addition of the Kings River to the Wild and Scenic River System is fully warranted.

However, we can support enactment of H.R. 799 only if Section 2 is deleted.

We would be pleased to respond to any questions that you have, sir.

[The prepared statement of Mr. Leonard follows:]

STATEMENT OF
GEORGE M. LEONARD, ASSOCIATE CHIEF
FOREST SERVICE
U.S. DEPARTMENT OF AGRICULTURE

Before the
Subcommittee on Public Lands, National Parks and Forests
Committee on Energy and Natural Resources
United States Senate

Concerning H.R. 799

May 21, 1987

MR. CHAIRMAN AND MEMBERS OF THE SUBCOMMITTEE:

Thank you for the opportunity to testify for the Department of Agriculture regarding H.R. 799. Section 1 of H.R. 799 would designate a segment of the Kings River in California as a wild and scenic river. Section 2 would establish the Kings River Special Management Area on lands now part of the Sequoia and Sierra National Forests, modify the exisiting geographical boundary between the two National Forests so that the entire Special Management Area would be within the Sierra National Forest, and grant a 13-mile segment of the main stem of the Kings River the same protection from development that would apply if it were designated as part of the National Wild and Scenic Rivers System.

The Department of Agriculture opposes enactment of H.R. 799, unless section 2 is deleted.

We defer to the Department of the Interior for recommendations on those portions of the Kings River under its jurisdiction.

Section 1 of the bill would designate the following as wild and scenic river: the Middle Fork of the Kings River from its headwaters at Lake Helen between Muir Pass and Black Giant Mountain to its confluence with the main stem; the South Fork of the Kings River from its headwaters at Lake 11599 to its confluence with the main stem; and the main stem of the Kings River from the confluence of the Middle Fork and the South Fork to the point at elevation 1595 feet above mean sea level.

Section 2 of the bill would establish the Kings River Special Management Area to provide for public outdoor recreation use and to protect natural values within the Special Management Area. The Special Management Area would be administered by the Sierra National Forest, and the boundaries of the Sierra and Sequoia National Forests would be adjusted accordingly. The bill directs the Secretary of Agriculture to publish a management plan for the Special Management Area within three years of enactment.

As illustrated on the display map, jurisdiction over the river corridor designated by the bill includes the National Park Service, 57 miles; the Forest Service, 30 miles; and approximately 2 miles in private ownership.

The main stem of the Kings River and the South Fork of the Kings River were studied for inclusion in the National Wild and Scenic Rivers System by the Sequoia National Forest in conjunction with the Forest planning process. The Draft Forest Plan and Environmental Impact Statement was completed in

December 1985, and the preferred alternative recommended inclusion of the South Fork and a portion of the main stem in the Wild and Scenic Rivers System. The Middle Fork of the Kings River was studied in the Draft Sierra National Forest Plan and was recommended for inclusion in the Wild and Scenic Rivers System in the preferred alternative of the plan.

The preferred alternative in the Sierra Draft Forest Plan recommended that a 13-mile section of the main stem of the Kings River from Garlic Meadow Creek to Pine Flat Reservoir be deferred until a study for a dam and reservoir was completed by the Kings River Conservation District. It is our understanding that the Conservation District has dropped their study. Based on this understanding, it seems satisfactory that those 13 miles be reconsidered for inclusion into the National Wild and Scenic Rivers System. However, I should note that the Forest Service could protect this section of the river under the National Forest Plans without designation as Wild and Scenic River. This approach would provide the Kings River Conservation District flexibility in determining its future needs.

There are no commercial timber opportunities within the river corridors identified as Wild and Scenic River in H.R. 799. The only mining activities within the proposed river corridors are active tungsten claims along the north side of the main stem, but production has been limited in quantity. No purchase of private lands or scenic easements would be necessary as a result of this bill.

The segments of the river affected by the bill are totally freeflowing and wild in character. The main stem of the Kings River affords excellent river

rafting, and three commercial outfitters hold permits to conduct rafting operations. The Kings River Canyon is unique in the Sierra Nevada Mountains; it is over 7,000 feet deep, considerably deeper than the Grand Canyon. The north ridge of the canyon is over 10,000 feet high in one location.

We believe the Sequoia and Sierra National Forest Land and Resource Management Plans will provide the management direction needed to provide public outdoor recreation use and protect natural values within the National Forest portion of the Kings River corridor. In our judgement, designation of a Special Management Area is not necessary and would unnecessarily restrict land management planning options and impose excessive management costs. The two Forests involved have published their Draft Forest Plans, and public involvement has been completed for both Forests.

Section 2 (f) of H.R. 799 would delay issuance of the final Forest Plans by requiring a separate plan for the Special Management Area. This was not an alternative in the Draft Plans, nor an issue with the responding public. We are particularly concerned about subsection (a) which would change the boundaries of the Sierra and Sequoia National Forests. Adjustment of Forest boundaries is unnecessary and would change the present distribution of receipts to the counties within the two Forests.

We believe that section 2 is inconsistent with existing statute. For example, the provisions of subsection (g) pertaining to access to private lands is unnecessary. This provision would cause confusion with section 1323(a) of the Alaska National Interest Lands Conservation Act which is a generic access provison applicable to the entire National Forest System. That provision

grants access subject to reasonable terms and conditions, and we are atttempting to apply uniform standards for access throughout the National Forest System, including wilderness and other special areas.

With respect to the specific protections of subsection (h), we do not believe the restrictions of the Wild and Scenic Rivers Act should be applied to river segments not designated as either components of the national system or as study rivers. If the intent is to preclude licensing of dams, this can be achieved by expressly precluding applications under the Federal Power Act or other Federal authorizations for dams.

We believe the new 17-mile trail required to be constructed from Garlic Creek to Little Tehipite Valley is unnecessary. The trail would traverse extremely steep and rocky terrain and involve unusually high construction costs.

We oppose the establishment of the Special Management Area. Forest planning makes extensive use of public participation, and we prefer that the process as prescribed by the National Forest Management Act be allowed to work. Finally, we believe that the existing boundaries of the Sierra and Sequoia National Forests should be retained. Management of the river corridor would be more efficient with the existing National Forest boundaries.

In summary, we can support the enactment of H.R. 799, only if section 2 is deleted.

Mr. Chairman, in conclusion, the Department and the Forest Service stands ready to work with the subcommittee on the bill. I will be pleased to answer your questions or provide any additional information the subcommittee may desire.

Senator BUMPERS. Mr. Leonard, you object to the legislation's proposed boundary changes. And yet, in the draft management plans of the Sierra National Forest and the Sequoia National Forest, they would manage these areas quite differently.

The Sequoia National Forest Draft Management Plan would allow, for example, rather extensive timber harvesting.

I think that is the primary reason that a lot of the people who want this area protected find the Forest Service objections without merit, because, obviously, they want the entire area managed the same way. They want that river protected, and they obviously feel that the only way you can do that is to manage all of the lands on either side there pretty much the same way.

How would you respond to that?

Mr. LEONARD. First, both the Sequoia and the Sierra Forest Plans have been published in draft form for public comment, and that public comment is now being analyzed in preparation for the final plans.

The issue of management of the areas tributary to the river was the subject of a substantial amount of that comment. I would expect that when the two plans are in final form, they would provide for comparable management of that area.

I would point out that the river canyon is a precipitous, brush-covered canyon, and neither plan envisions any timber harvesting in the canyon itself.

Timber harvesting is up above the breaks of the canyon to the outside, and it would not be directly related to the protection of those features associated with a Wild and Scenic River.

Senator BUMPERS. In this, the area that is covered by this bill is, as I understand it, an entirely roadless area.

Mr. LEONARD. That's correct, sir.

Senator BUMPERS. You would agree with me that, under the Sequoia National Forest Plan, they do anticipate rather extensive harvest. I am not sure how you would define the canyon, but, obviously, some of the protected areas here, on the North and South sides of this river, are beyond what you would refer to as the canyon, are they not?

Mr. LEONARD. That's correct—where the steep slopes into the canyon break off into more gentle ground. It is my understanding that the Sequoia Plan does not provide for any timber harvesting within that roadless area during the ten year period of the plan.

Senator BUMPERS. It does not?

Mr. LEONARD. It does not, although some of the lands are retained within the timber base, with the assumption that maybe sometime in the future they would be harvested.

But no harvesting is scheduled during the ten year period of the plan.

Senator BUMPERS. You don't have any objection to an absolute prohibition against any timber harvesting within that area during the ten year period, do you?

Mr. LEONARD. The only concern I would raise is the fact that those are mixed stands of Ponderosa Pine, some Sugar Pine and true firs, basically, and Ponderosa and Sugar Pine occasionally are subject to insect and disease attack. We probably should make some provision to allow salvage logging to control insect and dis-

ease epidemics, if there were to be a general prohibition against harvesting.

As a matter of fact, the wording of the Special Management Area does provide for that exception.

Senator BUMPERS. Did you oppose Wild and Scenic designation of the Main Stem of the Kings when you testified before the House?

Mr. LEONARD. Of the 13 miles from Garlic Meadows on down to the upper end of the reservoir, and the basis for that was in the development of the forest plans, because of the ongoing study of economic viability of the dam, the forest elected to defer a decision on that segment of the river until they had the results of that economic study.

In effect, we were simply deferring a decision. We had made no recommendation for or against classification.

We said it was premature until we had the results of the study.

Senator BUMPERS. That was the basis of your objection, and the only basis?

Mr. LEONARD. Yes, sir.

Senator BUMPERS. Today you don't feel that way?

Mr. LEONARD. Today, in our testimony, we are saying that the Kings River Conservation District has announced that they are discontinuing their study. We feel the area is eligible, and we see no reason why, if the Main Stem is going to be classified, that portion of the river could just as well be classified at the same time, consistent with testimony just now of Senator Cranston.

Senator BUMPERS. Mr. Leonard, thank you very much for coming over to be with us this afternoon.

Is Senator Wilson still here or has he left?

[Pause.]

Senator BUMPERS. I see that Senator Wilson is going to have to go to the floor. We will accept his testimony for the record.

We appreciate your coming over, Pete.

[The prepared statement of Senator Wilson follows:]

SENATOR PETE WILSON
STATEMENT ON H.R. 799 BEFORE THE
SENATE ENERGY AND NATURAL RESOURCES COMMITTEE
SUBCOMMITTEE ON PUBLIC LANDS
MAY 21, 1987

MR. CHAIRMAN, IN THE SECOND TIME IN AS MANY MONTHS, I AM HERE BEFORE YOUR COMMITTEE TO STATE MY SUPPORT FOR YET ANOTHER BILL DESIGNED TO GIVE WILD AND SCENIC PROTECTION TO ONE OF CALIFORNIA'S GRAND RIVERS -- THE KINGS RIVER. AS ALWAYS, I APPRECIATE THE TIME AND INTEREST SHOWN BY YOUR COMMITTEE IN THESE CALIFORNIA MATTERS AND HOPE THAT WE WILL BE ABLE TO FAVORABLY DISPOSE OF THIS LEGISLATION IN SHORT ORDER.

THE HOUSE-PASSED BILL BEFORE THE COMMITTEE TODAY REPRESENTS AN ACCEPTABLE COMPROMISE BETWEEN THOSE WHO FAVOR PROTECTION OF THE KINGS RIVER AND THOSE WHO WERE CONTEMPLATING THE CONSTRUCTION OF A DAM AT A SITE KNOWN AS RODGERS CROSSING.

THE HEART OF THE COMPROMISE PROVIDES FOR THE CREATION OF A SPECIAL MANAGEMENT AREA THAT INCLUDES THE RODGERS CROSSING DAM SITE, BUT DISALLOWS THE CONSTRUCTION OF A DAM THERE UNTIL CONGRESS GIVES SPECIFIC APPROVAL. DAM FEASIBILITY STUDIES, HOWEVER, WOULD BE ALLOWED TO CONTINUE.

AS IT TURNS OUT, THE AGENCY THAT HAD PROPOSED TO BUILD A RODGERS CROSSING PROJECT HAS SINCE DECIDED TO ABANDON FURTHER FEASIBILITY STUDIES FOR THE TIME BEING. WHAT THAT LEAVES US WITH IS LEGISLATION THAT DESIGNATES 81 MILES OF THE KINGS RIVER AS WILD AND SCENIC, AND PROTECTS AN ADDITIONAL 11 MILES OF THE RIVER AS A SPECIAL MANAGEMENT AREA. WITH THE RODGERS CROSSING ISSUE DISPOSED OF, I KNOW OF NO OUTSTANDING OPPOSITION TO THAT PART OF THE BILL THAT DEALS WITH THE PROTECTION OF THE RIVER.

FOLLOWING ME IN TODAY'S HEARINGS WILL BE WITNESSES TESTIFYING TO THE GRANDEUR OF THE KINGS RIVER. THEY WILL TELL YOU IN MUCH GREATER DETAIL THAN I THAT THIS RIVER EMBODIES THE VERY ESSENCE OF THAT WHICH THE WILD AND SCENIC RIVERS ACT WAS DESIGNED TO PROTECT. THE DEEP CANYON, THE PROFOUND SENSE OF ISOLATION, THE CHALLENGING WHITEWATER, THE TROUT FISHERY, AND THE RARE PLANT AND ANIMAL SPECIES THROUGHOUT THE RIVER CANYON ALL MARK THE KINGS RIVER AS DESERVING OF SPECIAL PROTECTION AND MANAGEMENT.

I UNDERSTAND THAT YOU WILL ALSO BE HEARING TODAY FROM WITNESSES WHO WILL SPEAK TO WHAT CAN PERHAPS BE DESCRIBED AS THE UNINTENDED EFFECTS OF THE CREATION OF THE 48,000 ACRE SPECIAL MANAGEMENT AREA. SINCE THIS COMPROMISE WAS AGREED TO, TWO ISSUES HAVE COME TO LIGHT THAT DESERVE THE ATTENTION OF THIS COMMITTEE.

FIRST, THE FOREST SERVICE TELLS ME THAT THE SIERRA AND SEQUOIA NATIONAL FOREST BOUNDARIES WHICH CURRENTLY ABUT EACH OTHER AT THE KINGS RIVER ARE BEING CHANGED IN THIS BILL. THE REASON FOR THIS BOUNDARY CHANGE IS UNCLEAR TO ME, AND IT APPARENTLY RESULTS IN MAKING MANAGEMENT OF THE TWO FORESTS CONSIDERABLY MORE DIFFICULT. LAND MANAGEMENT PLANS THAT ARE ALREADY LONG OVERDUE WILL BE DELAYED AGAIN, AND ON-THE-GROUND ACCESS BY DISTRICT RANGERS AND OTHER FOREST SERVICE PERSONNEL WITHIN THEIR RESPECTIVE FORESTS WILL BE GREATLY COMPLICATED. I URGE THE COMMITTEE TO CONSULT WITH THE FOREST SERVICE ON THIS PARTICULAR ISSUE AND MAKE CHANGES TO THE BILL AS APPROPRIATE.

SECOND, I AM INFORMED THAT THE 48,000 ACRE SPECIAL MANAGEMENT AREA MAY CONTAIN VALUABLE TIMBER STANDS OUTSIDE OF THE KINGS RIVER CANYON AND THAT A PLANNED TIMBER SALE MAY EVEN BE AFFECTED. THE COMMITTEE WILL BE HEARING FROM WITNESSES TODAY THAT WILL DESCRIBE THIS ISSUE IN GREATER DETAIL, AND I STAND READY TO WORK WITH THE COMMITTEE TO RESOLVE ANY PROBLEMS THAT MAY BE RAISED BY THE IMPACT OF THIS DESIGNATION ON ANY TIMBER RESOURCES.

PUTTING THESE TWO MINOR CONCERNS ASIDE, I SUPPORT THIS BILL AND HOPE THAT WE WILL BE IN A POSITION TO SEND A KINGS RIVER BILL TO THE PRESIDENT FOR SIGNATURE IN THE NEAR FUTURE. I THANK YOU AGAIN FOR THESE HEARINGS AND URGE YOUR FAVORABLE ACTION ON THIS LEGISLATION.

Senator BUMPERS. Our next witness is Richard Lehman.

Is Congressman Lehman here?

[Pause.]

Senator BUMPERS. Congressman Lehman, welcome, and we are anxious to hear from you.

STATEMENT OF HON. RICHARD H. LEHMAN, A U.S. REPRESENTATIVE FROM THE STATE OF CALIFORNIA

Mr. LEHMAN. Thank you very much, Mr. Chairman.

I very much appreciate the opportunity to appear before this subcommittee on behalf of legislation to protect the deepest canyon in North America and the mighty Sierra River.

Protection of Kings Canyon and the Kings River in California is a legacy of the 100th Congress which, if enacted, will never be forgotten.

Today the river of Holy Kings flows undammed from its headwaters in Kings Canyon National Park through the Sierra and Sequoia National Forests to Pine Flat Reservoir in the Central Valley of California.

Against a backdrop of snow-capped mountains in winter and blankets of purple wildflowers in spring, the Kings River sweeps through the Sierra for 90 miles, just as it has for millions of years.

The main stem of the Kings is the largest Wild Trout Fishery in California. It is the site of a National Recreation Trail and has the greatest vertical drop without a dam of any river in the United States.

The Kings River is truly wild and scenic, and deserves national recognition and protection.

The canyon alongside the Kings River is an integral part of this magnificent Sierra Nevada landscape. I am intimately familiar with the terrain in question. Like many others, I have walked alongside the Kings River since my early youth.

Here you can walk a few feet off the footpath and be surprised by beautiful cascading waterfalls not found on the topographic map. Here you can stumble upon Indian archaeological sites and let your imagination take you back in time.

Here lies the winter range for two major deer herd and habitat for the golden eagle, peregrine falcon, mountain lions, gray foxes, and many other species of wildlife.

These precious natural resources in the Kings River Canyon were threatened by a massive hydroelectric project, known as Rodgers Crossing Dam.

Because of this threat, I introduced legislation to protect the undammed portion of the Kings River by adding 93 miles to the Wild and Scenic River System.

On the other hand, it is also true that, while California has no need for additional hydropower, the San Joaquin Valley has a very real need for additional water. I am sympathetic to those water needs. I represent a portion of the Kings River Service Area. My father farmed in the consolidated irrigation district all his life.

The Kings River Conservation District and the Kings River Water Association have made our valley a better place to live.

For a time, it appeared that saving the Kings River Canyon and obtaining more water for the valley were on a collision course. However, because of the very good will of the parties involved, the Committee to Save the Kings River and other conservation groups, the Kings River Conservation District, Senator Cranston, Congressman Pashayan, and Senator Wilson, a compromise was reached which accommodates those who wish to protect our landscape and those with very real water needs.

I will very briefly outline the compromise which we reached.

First, 81 miles of the Middle and South Forks and the Main Stem of the Kings River are designated as part of the National Wild and Scenic Rivers System.

Second, 11 miles of the Main Stem of the Kings will be protected by Section 7(a) of the National Wild and Scenic Rivers System in the same manner as if they were formally designated. This means that dams and diversions are prohibited on this stretch of the river.

Third, sufficient mileage—actually about a mile and a half—is left undesignated and unprotected so that in the future, an existing dam, known as Pine Flat, may be raised by 20 feet, if deemed feasible. Raising Pine Flat would provide over half the water that Rodgers Crossing Dam would have generated at only one-tenth the cost.

Adverse environmental consequences of this are negligible.

Fourth, and most important, a new Kings River Special Management Area is established, which encompasses approximately 23 miles of the river and 49,000 acres of Forest Service land on either side of the river.

The Kings River Special Management Area is a critical part of the compromise reached on this issue. For the first time, an entire Sierra canyon will be protected from top to bottom, beginning with Kings River National Park at the top, followed by Forest Wilderness, and ending with the new Special Management Area.

The area's boundaries, as you pointed out, are almost identical to the Forest Service's own Kings River Further Planning Area, and will be managed for recreation, scenic resources, and wildlife. No Federal lands within the Special Management Area may be used for the construction of dams or diversions.

H.R. 799 is a very delicate compromise. No party and no interest won everything, but all parties won something. It is for that reason that I urge the committee to keep the compromise intact and oppose amendments.

All of us who were a party to the compromise have agreed to the bill, as amended.

H.R. 799 is a good faith compromise which will serve the American people as a whole and the local community well for as far into the future as we can reasonably foresee.

I would like to make a few additional remarks in response to concerns that were just expressed by the Forest Service.

In my view, the Forest Service abdicated its responsibility with respect to managing the Kings River.

The Forest Service deferred its recommendation on 13 miles of the river not because of qualities of the river, but because of the dam builders' desires. When it came before the House, the Forest

Service again opposed Wild and Scenic River designation for the lower 13 miles.

Now, however, the Forest Service says on the one hand that it will not object to Wild and Scenic designation on the whole river, but, on the other hand, they would suggest that no designation could also be a logical conclusion since they feel that the existing management plan would allow them to manage it for protection.

This is the same Forest Service that deferred to dam proponents when the initial controversy developed. I think adopting any part of the Forest Service's current position would actually destroy the compromise that has gotten us this far, and I think we should reject this kind of mischief.

Second, the Forest Service rejects the entire concept of the Management Area. Yet, as has been pointed out, the boundaries are identical to the Kings River Further Planning Area. The management directives are also the same as those in the Sierra Forest Draft Plan.

This issue of timber harvesting to me is quite interesting. There really is not much harvestable timber in the area. I note that the Forest Service estimates of that have varied greatly.

In 1979, in the RARE II study, they said there were 400,000 board-feet in this area; in 1986, in their Forest Service Plan, they said there was 519,000 acre-feet in this area. And today, when the Special Management Area proposal is before us, they now claim there is 970,000 board-feet of timber harvest annually in the area.

So, since 1986, the Forest Service estimate of timber has actually doubled. In fact, I will submit documents for the record not only to show that from their own estimates, but that it has actually gone up twice during the last week.

Senator BUMPERS. They are fast-growing trees, aren't they? [General laughter.]

Mr. LEHMAN. Yes. This is a magic forest, Mr. Chairman. We could probably solve a lot of our timber problems if we grew them all like this. [General laughter.]

I think we are best served leaving the boundaries of the Management Area intact, as developed in the bill. What that will actually do is to release 8 to 10 million acre board-feet that are tied up in a fire area there, that the bill would allow to be harvested.

As you brought out a few moments ago, there are provisions in the legislation as it now stands to allow for harvesting of what has been damaged by insects or where disease is a problem, and things of that nature. That would not be allowed if we maintained the Further Planning Status, which we have now. We have released that under this legislation and we make that timber in there available, and a company has expressed an interest in harvesting that by helicopter.

Also, I think it is important that we unify management in Kings Canyon. It makes no sense for a fisherman to be on the river and see a Sequoia Service pickup on one side of the river and a Sierra Forest Service pickup on the other. It is one canyon and it ought to be managed as one unit, because people enjoy it in that fashion. It is certainly deserving of this singular management and the new status that this will give it.

Finally, the Forest Service gave us some estimates of the cost of a trail and objected to the trail mandated in the bill. I would point out that it is not our intention that that trail be constructed immediately. It could be done over a period of 10 to 20 years. Further, I think it would be worthwhile to get the State of California, the local entities involved, and private money, and, of course, the California Conservation Corps involved in that as well.

I appreciate your holding this hearing today in this expeditious fashion, and I am extremely grateful for the support of my two United States Senators in this effort.

I thank you.

[The prepared statement of Mr. Lehman follows:]

RICHARD H. LEHMAN

COMMITTEE ON BANKING, FINANCE AND URBAN AFFAIRS

COMMITTEE ON INTERIOR AND INSULAR AFFAIRS

Congress of the United States
House of Representatives
Washington, D.C. 20515

STATEMENT BY THE HONORABLE RICHARD H. LEHMAN

IN SUPPORT OF H.R. 799 AS AMENDED
BEFORE THE SENATE SUBCOMMITTEE ON PUBLIC LANDS, NATIONAL PARKS AND FORESTS

May 21, 1987

Mr. Chairman, I very much appreciate the opportunity to appear before the subcommittee today on behalf of legislation to protect the deepest canyon in North America and a mighty Sierra River. Protection of Kings Canyon and Kings River in California is a legacy of the 100th Congress that will never be forgotten.

Today the river of Holy Kings flows undammed from its headwaters in Kings Canyon National Park through the Sierra and Sequoia National Forests to Pine Flat Reservoir in the Central Valley of California. Against a backdrop of snow-capped mountains in winter and blankets of purple wildflowers in spring, the Kings River sweeps though the Sierra for over 90 miles, just as it has for millions of years. The main stem of the Kings is the largest Wild Trout Fishery in California, is the site of a National Recreation Trail and has the greatest vertical drop without a dam of all the rivers in the United States. The Kings River is truly wild and scenic and deserves national recognition and protection.

The canyon alongside the Kings River is an integral part of this magnificent Sierra Nevada landscape. I am intimately familiar with the terrain in question. Like many others, I have walked alongside the Kings since my early youth. Here you can walk a few feet off the footpath and be surprised by beautiful cascading waterfalls not found on the topographic map. Here you can stumble upon Indian archaelogical sites and let your imagination take you back in time. Here lies the winter range for two major deer herd and habitat for the golden eagle, peregrine falcon, mountain lions, gray foxes and many other species of wildlife.

These precious natural resources in the Kings River Canyon were threatened by a massive hydroelectric project known as Rodgers Crossing Dam. Because of this threat, I introduced legislation to protect the undammed stretch of the Kings River by adding 93 miles to the national wild and scenic rivers system. On the other hand, it is also true that while California has no need for additional hydropower, the San Joaquin Valley has very real need for additional water. I am sympathetic to those water needs. I represent a portion of the Kings River Service Area. My father farmed in the Consolidated Irrigation District all his life. The Kings River Conservation District and the Kings River Water Association have made our valley a better place to live.

For a time, it appeared that saving the Kings River Canyon and obtaining more water for the San Joaquin Valley were on a collision course. However, because of the very good will of the parties involved--the Committee to Save the Kings River and conservationist groups, the Kings River Conservation District, Senator Cranston and Congressman Pashayan and Senator Wilson, a compromise was reached which accommodates both those who wish to protect our landscape and those with very real water needs.

I will very briefly outline the compromise we reached as embodied in H.R. 799 as amended:

1. 81 miles of the Middle and South Forks and Main Stem of the Kings River is designated as part of the national wild and scenic rivers system.

2. 11 miles of the main stem of the Kings (from elevation 1595 feet to elevation 900 feet) will be protected by section 7(a) of the national wild and scenic rivers system in the same manner as if it were formally designated. This means that dams and diversions are prohibited on this stretch of the river.

3. Sufficient mileage (about 1 and 1/2 miles) is left undesignated so that in the future an existing dam known as Pine Flat may be raised by 20 feet if deemed feasible. Raising Pine Flat Dam would provide over half the water (20-30,000 acre feet) that Rodgers Crossing Dam would have generated at only 1/10 of the cost.

4. A new Kings River Special Management Area is established which encompasses approximately 23 miles of the Kings River and 49,000 acres of Forest Service land on either side of the river. The Kings River Special Management Area is a critical part of the compromise reached on this issue. For the first time, an entire Sierra canyon will be protected from top to bottom, beginning with Kings Canyon Park at the top, followed by Forest Wilderness and ending with the new Special Management Area. The area's boundaries are almost identical to the Forest Service's own Kings River Further Planning Area and will be managed for recreation,

scenic resources and wildlife. No federal lands within the Special Management Area may be used for the construction of dams or diversions.

Mr. Chairman, H.R. 799 as amended is a very delicate compromise. No party and no interest won everything but all parties won something. It is for that reason tnat I urge the committee to keep the compromise intact and oppose amendments. From a personal viewpoint, I too did not gain all the protections for the Kings River Canyon that it deserves. But all of us who were a party to the compromise have agreed to the bill as amended. H.R. 799 as amended is a good faith compromise which will serve the American people as a whole and the local community well for many years into the future.

I would like to make some additional remarks in response to concerns that have been expressed by the Forest Service. First, I wish to state that when the Sierra and Sequoia National Forests published their draft forest management plans, I believe they abdicated their professional responsibility with respect to the Kings River. The Forest Service deferred its recommendation on 13 miles of the Kings River to proponents of Rodgers Crossing Dam.

Second, the Forest Service now rejects the proposed boundaries of the Kings River Special Management Area. The boundaries of H.R. 799 are almost identical to the boundaries of the Kings River Further Planning Area and management directives are the same as those of the Preferred Alternative of the Draft Sierra Forest Plan. Interestingly, the Forest Service preferred boundaries do not appear to follow natural features on the south side but by coincidence delete just about every stick of timber included in the Sequoia portion of the Special Management Area, including the Converse Basin Area which contains the last meager remnants of a magnificent redwood grove.

Third, since the proposal of the Kings River Special Management Area emerged, Forest Service estimates of harvestable timber have skyrocketed. Allow me to elaborate. The 1979 RARE II review states that potential timber harvest for the two Further Planning Areas which parallel the proposed Special Management Area equals 400,000 board feet annually. The 1986 Draft Sierra Forest Plan states that the same area contains a total of 510,000 board feet of annual harvest and recommends that none of the timber on the Sierra side of the river be harvested. Today, with consideration of the Kings River Special Management Area, the Forest Service suggests that this area could contain 970,000 board feet of harvest annually. Since just last year Forest Service estimates of timber in the area have almost doubled. Indeed Forest Service estimates of available timber have changed twice during just this week! (Documentation submitted for the record.)

I have very little confidence in these wildly varying timber estimates. The Forest Service's proposed boundary modifications delete more potential timber areas, particularly on the Sequoia Forest side of the Kings River, than requested by the timber industry itself. We will be far better served to maintain the existing Kings River Special Management Area boundaries which allow minor boundary revisions for improved management and which will actually release 8-10 million board feet of salvage timber which can be harvested under the provisions of the compromise legislation because of provisions relating to fire and insect control. The record should show that the Kings River Special Management Area could actually facilitate this sale because it takes the area out of further study for wilderness status. In any event, Kings Canyon is no place for timber harvesting. The clear intent of the legislation is to prohibit such activities except in the special instance mentioned above.

Fourth, it is my understanding that the Forest Service objects to single forest management of the proposed Special Management Area and wishes to maintain the current division between the Sierra and Sequoia forests. I disagree and the individuals who reached the historic compromise disagree. Unity of planning and management is important for the area. Otherwise we will see business as usual with Sierra trucks on one side of the river and Sequoia trucks on the other. Different management policies are inevitable with bifurcated management. Ruffled feathers among local managers should not drive federal policy. The Kings River Special Managment Area is of national significance and should be managed as a single unit with one set of policy directives.

Finally, it troubles me greatly that the cost estimates of the trail from Garlic Creek to Little Tehipite Valley seem to escalate daily and I believe are grossly overstated. I questioned the original cost estimate for the trail, and I am now informed that the price increased just this week because of the need to build in a 40% overhead factor. I have noted repeatedly, it was never intended to build the trail in two years as implied by the Administration. Rather it is likely that it will take 10 to 20 years to construct the trail. Furthermore, it is contemplated that these costs will be defrayed by State, local and private funds and that the California Conservation Corps can assist in trail construction. When I first became familiar with the trail proposal six years ago, forest service employees estimated the cost to be $350,000. I suspect that the calculator which estimated the timber harvest was used to figure trail construction costs as well.

Mr. Chairman, I thank the Subcommittee for its expeditious hearing of H.R. 799 as amended. This legislation settles most of the lingering issues in Kings Canyon. The bill is no longer controversial. It enjoys near unanimous public acceptance. Our compromise is a fragile one and quick action by the Senate will insure that it will become a reality. The Kings River and the deepest Canyon in North America must be protected for all people for all time.

5-20-86

Mary Lou Cooper

Re: Timber Volumes in the proposed Special Management Area, H.R. 799

The Allowable Sale Quantity (ASQ) in the proposed Special Management Area (SMA) follows:

Sierra National Forest - 370 thousand board feet (MBF)
Sequoia National Forest - 600 MBF
Special Management Area 970 MBF

The above figures are the maximum ASQ for the SMA if the area were to be managed for timber production. Presently, there is no timber harvest planned in the SMA. If the Forest Plans were modified to allow timber harvesting, this is the maximum that would be available.

There seems to be some confusion regarding this issue, the bottom line is that no harvesting is planned, so the 970 MBF ASQ is somewhat theoretical.

There is another factor which has generated some confusion and frustration regarding ASQ in the SMA. The 1978 RARE II data base for the Kings River Roadless Area had a timber inventory figure of 54 MMBF for both Forests involved. The RARE II data did not have an ASQ calculated in the data base.

In 1983, the RARE II data base was updated for the Sierra NF and an ASQ (which used to be referred to as "potential yield") was calculated. During the 1983 update, ASQ for the Sequoia was inadvertently omitted, therefore not contributing to the total available for the Kings River Roadless Area. However, the total timber inventory recalculated in 1983 for the two areas (78MMBF) remains the same today.

This difference between the quoted ASQ for the 1983 update (which contained the omission) and the figures now presented have generated understandable confusion.

I recognize that this could be a bit difficult to follow and would be glad to discuss it with you further. I understand that this is a good deal more information than you requested, but would feel remiss if I did not try to explain what seems to be a perturbing issue.

Bruce Van Zee
447-9345

United States
Department of
Agriculture

Forest Service

Pacific
Southwest
Region

APPENDICES

Chapter 7.0 of the Draft Environmental Impact Statement

Sierra National Forest

APPENDIX C - KINGS RIVER FURTHER PLANNING AREA

Forest Service Manual 2320 specifies the subjects to be considered when evaluating wilderness resources. These are need, suitability, availability, and manageability. Of the further planning areas considered in this planning action, need can be considered collectively and is discussed in the body of the DEIS. The other factors must be considered separately for each further planning area. Direction concerning wilderness evaluations may be reviewed in Forest Service Manual 2320 and the Pacific Southwest Region's "Land Management Planning Direction." This appendix concerns the Kings River Further Planning Area (B5-198).

DESCRIPTION

This area of 48,668 acres encompasses the main drainage of Kings River in Sequoia and Sierra National Forests (24,368 acres in Sierra, 24,300 acres in Sequoia).

The major part of the further planning area is characterized by steep slopes covered with dense brush interspersed with areas of rock outcrops and grassy openings on areas of shallow soils. Vegetation has poor age class and mosaic distribution. Occasional stands of timber occur at higher elevations, particularly on north-facing slopes. Elevations range from 1,000 feet in the west to 10,000 feet at Spanish Mountain in the northeast. Views of the area are largely into areas where activities of man are evident.

The area is bisected by Kings River and penetrated by about 10 miles of a west-to-east road built on the north side of the river to reach mines in Fox Canyon. The roaded area is popular and considerable recreational activity occurs in the road corridor and on the river, particularly in the spring and early summer. Campgrounds adjoin the unit at Mill Flat and Garnet Dike. The nearest paved county road access is to the west at Kirch Flat and to the east at Yucca Point.

The major activities occurring near and within the area are hunting, hiking, and fishing. Some 50 miles of trails provide access to and along portions of the river. Topography, vegetation, and difficult access restrict recreational opportunities.

The more noteworthy attractions, aside from the river, are Garlic Falls and several groves of giant sequoias, including the Boole Tree. OHV uses occur at the Boole Tree, between Yucca Point and the river at Bear Wallow, Garlic Meadow, Lousy Spring, and on Rodgers Ridge.

The North Kings Deer Herd utilize much of the area for winter and intermediate range. They are the subject of intensive study and habitat improvement efforts by California Department of Fish and Game, Fresno County Sportsmens Club, California State University at Fresno, and the Forest Service.

SUITABILITY

Factors affecting the suitability of the Kings River Further Planning Area for wilderness are discussed in this section.

The area is generally undisturbed by

and, other than small areas near the perimeter, the natural integrity and apparent naturalness of the area is obvious. Interplay between biotic species has proceeded generally in a free and natural manner.

Kings River Canyon offers self-reliance to the user. Steep slopes, ledges, and dense brush render the canyon nearly impassible. However, due to these same factors, there is very little diversity of opportunity within the canyon. The primary features are the river and small waterfalls on the side channels.

The area has considerable opportunity for solitude. Dense brush affords screening and, with the very low recreational use, the visitor would be assured of a great deal of solitude.

MANAGEABILITY AND BOUNDARY

Kings River Further Planning Area would be difficult to manage as wilderness, given its boundaries as inventoried. Many miles of boundary are located where past resource management and development activities ceased. Very few of these activities are located where boundary location could be accomplished and the integrity of a wilderness ensured with any degree of confidence or without considerable problems. Impacts on wilderness experience would occur from uses and activities outside wilderness and, similarly, opportunities to protect and enhance uses and activities outside wilderness would be precluded by a boundary on inventoried locations.

Boundaries could be adjusted to more manageable locations, minimizing conflicts in land management objectives and loss or impairment of management opportunities inside and outside wilderness. There is opportunity to consider adjusting boundaries to more manageable locations, while retaining a considerable acreage for wilderness consideration. The most manageable boundary would place the west boundary at Garlic Spur and on Kings River on the south.

AVAILABILITY

Opportunities exist to improve trail access along Kings River. This action would increase fishing and hiking by only a minor amount because there is an absence of significant attractions.

There are an estimated 8,000 RVDs in this area each season, primarily hunting, fishing, and hiking. Limited OHV use occurs, but is low compared to fishing and hunting.

The further planning area is very important to the North Kings Deer Herd. There is considerable opportunity to improve habitat conditions for the herd in order to increase its population. With the exception of one peregrine falcon nest site in the canyon, the variety and abundance of wildlife populations in the area is not particularly noteworthy. Kings River above Pine Flat Reservoir possesses excellent fisheries and has been designated a Wild Trout Stream.

Little is known of the cultural resources of this area because Forest Service activities, which require cultural resource inventories, have not been performed. Archival and literature research indicates some significant cultural properties. It

is assumed these resources have maintained a high level of preservation because of isolation. Without field studies and professional evaluation, their potential and significance cannot be assessed.

The area contains a great deal of extremely heavy fuels. The prevalent burning conditions occurring in the canyon are rated as extreme. The combination of conditions comprises one of the most extreme fire situations known to occur in the United States and there is high potential for a major conflagration - a very real management concern. Sequoia National Forest, in particular, has concern for protecting high-value commercial forest, recreational facilities, and residential developments upslope of the further planning area. About 510 MBF of timber (360 MBF on Sierra) could be harvested annually within the area.

About 4,000 AUMs of forage (3,160 AUMs on Sierra) are utilized each year. There are opportunities for type conversion projects on Rodgers Ridge to produce additional livestock forage, reduce fire hazard, and improve deer habitat.

Considerable mineralization occurs along Kings River. Altough several mines have produced from proven reserves, none are currently active, yet exploration continues. Mineral potential in the canyon rates among the more attractive mineral areas in the Forest. The possibility of mineral occurrences is rated as proven, probable, and possible, with about a third of the area under each rating.

Power withdrawals encumber about 8,600 acres. A potential hydroelectric reservoir is on record for the junction of the middle and south forks and a water storage-hydroelectric project was recently under active consideration at Rodgers Crossing. The project applicant might elect to initiate the project, which would then conflict with wilderness objectives. The hydroelectric opportunities foregone from wilderness designation must be carefully considered in light of current concerns for energy.

Application of visual resource analysis techniques resulted in rating the main canyon's landscape as common. The terrain varies only moderately, with very few dominant or distinctive features. Vegetation is quite uniform, with very few changes to offer visual relief. The river, the area's major feature, offers moderate variations in waterforms. Air currents moving from the Central Valley introduce a noticeable haze. Visibility from the few vantage points available is often impaired. The area cannot attain Class I air quality standards because of its location.

Kings River is being evaluated for suitability as a Wild and Scenic River. Based on the Wild and Scenic River classification and analysis process, the river segments adjacent to Kings River Further Planning Area vary from Wild classification in the upper river segments to Recreation on the lower river segments.

There are 400 acres of private lands within the Further Planning Area boundaries. Private land is considered undesirable or nonconforming to wilderness designation and management, unless it can be acquired in an undeveloped condition. Those lands within

...is unroaded area are mostly undeveloped and unencumbered. Wilderness regulations are not applicable to private lands, and private inholdings are subject to use and development within applicable state laws and county ordinances. Further, the owners of private lands within a National Forest wilderness have a statutory right of ingress and egress to their property. The existence of private lands therefore creates a situation where nonconforming uses and activities might occur in wilderness. Improvements present an anomaly in the midst of wilderness.

NEED

Public comment during the RARE II process and on earlier drafts of the Sierra Land Management Plan and DEIS showed a split between persons or groups favoring Wilderness and Non-wilderness designation, with those favoring non-Wilderness in the majority. Basic conflict between classification hinges on range, wildlife, fire, and water development interests. Range and wildlife issues relate to the ability to maintain and enhance forage conditions by vegetative manipulation projects, which would usually require mechanized equipment. Installation of minor facilities, such as water developments to enhance animal use and distribution, would also be necessary. Fire protection, management, and suppression activities in this highly flammable area would be more difficult, with most activities sharply curtailed by Wilderness designation. Water development has been an issue, with the possibility of dam construction at Rodgers Crossing at the lower end of the area and at the junction of the middle and main forks of Kings River in the upper part of the area. Maintaining and increasing water runoff from this drainage is also an important issue. Wilderness proponents have spoken to protection of the free-flowing nature of the river, scenic qualities of the area, low elevation, and winter access.

Concerning the need for wilderness, the Forest Service Manual states: "When considering the need for additional wilderness within a given area, it is necessary to place the wilderness resource in perspective. There should be an indication of current or future public need." This is considered in light of the amount of wilderness resource available within 150 miles of the Forest. Within that radius, there are approximately 7.25 million acres of established and proposed wilderness. Based on a wilderness permit analysis (Region 5 - USDA Forest Service, 1975), the National Forest Wildernesses within that same 150-mile radius contain some of the most heavily-used and some of the most lightly-used wildernesses in National Forests within California. Users reside primarily in the San Francisco-Sacramento and the Los Angeles-San Diego areas. The highest proportion of visitors to the southern units are from Southern California and the highest proportion of visitors to the northern units are from Central California. Wilderness enthusiasts from these areas also have access to considerably more wilderness than the 7.25 million acres within the 150-mile radius of the Forest.

In the Sierra portion of Kaweah Planning Unit the Proposed Area = wildlife range ... and ... 7-65 ... harvesting ...

SEQUOIA PLAN

KINGS RIVER area #0198 24,300 ACRES (on the Sequoia)

DESCRIPTION

The Kings River Further Planning Area is located in Fresno County and encompasses 48,668 (24,368 acres on the Sierra N.F.). The area is bisected by the Main Fork of the Kings River. A road built on the north side of the River accesses mines in Fox Canyon through the area. The roaded area is popular and a considerable amount of recreation activity occurs in the road corridor and on the river, particularly in the spring and early summer. Campgrounds are located adjoining the unit at Mill Flat and Garnet Dike. The nearest paved county road access is in the west portion at Kirch Flat and on the East at Yucca Point.

The major part of the roadless area is characterized by steep slopes covered with dense brush interspersed with rock outcrops and grassy openings on shallow soils. Vegetation currently has poor age class and mosaic distribution. Occasional stands of timber occur in the higher elevations, particularly on north facing slopes. Elevations range from 1,000 feet on the west to 10,000 feet at Spanish Mountain on the northeast. Views of the area are largely into areas where activities of man are evident.

The major activities occurring near and within the area are hunting, hiking, and fishing. There are some 50 miles of trail in the area providing access to and along portions of the river. Recreation use of the area is very restricted due to topography, vegetation, and difficult access.

The more noteworthy attractions, aside from the River itself, are Garlic Falls and groves of giant Sequoias, including the Boole Tree. OHV uses occur at the Boole Tree, between Yucca Point and the river at Bear Wallow, at Garlic Meadow, at Lousy Spring, and on Rodgers Ridge.

The North Kings Deer Herd -- the subject of intensive study and habitat improvement effort by the State Department of Fish and Game, Fresno County Sportsmens Club, California State University at Fresno, and the Forest Service -- utilizes much of the area for winter and intermediate range.

CAPABILITY

The area is generally undisturbed by man. Other than small areas near the perimeter, the natural integrity and apparent naturalness of the area is obvious. Interplay between biotic species has proceeded generally in a free and natural manner. The Kings River Canyon offers real self-reliance to the user since the steep slopes, ledges, and dense brush render the canyon nearly impassible. However, due to these same factors there is very little diversity of opportunity within the canyon. Special features are primarily the river and small waterfalls on the side drainages. The area has considerable opportunity for solitude. Dense brush affords screening and, with the very low recreation use, the visitor would be assured of a great deal of solitude.

The Kings River Roadless Area would be difficult to manage as wilderness, given its boundaries as inventoried. Many miles of boundary are located simply where past resource management and development activities ceased for various reasons. Very few of these are located so that boundary location could be accomplished and the integrity of a wilderness ensured with any degree of confidence without considerable problems. Impacts on a wilderness scene would occur from uses and activities outside a wilderness and, similarly, opportunities to protect and enhance uses and activities outside wilderness would be precluded by a boundary on inventoried locations.

Boundaries could be adjusted to more manageable locations, minimizing conflicts in land management objectives and loss or impairment of management opportunities inside and outside a wilderness. There is opportunity to consider adjusting boundaries to more manageable locations while retaining a considerable acreage for wilderness considerations. The most manageable boundary would place the western boundary on Garlic Spur and southern boundary on the Kings River.

AVAILABILITY

Opportunities exist to improve trail access along the Kings River. This action would increase fishing and hiking use by only a minor amount due to the lack of major attractions. There is an estimated 8,000 (2,800 on the Sequoia) recreation visitor days in this area each season, primarily hunting, fishing and hiking. Limited OHV use occurs but is low compared to fishing and hunting use.

The roadless area is very important to the North Kings Deer Herd. There is considerable opportunity to improve habitat conditions for the deer herd, in order to increase its population. With the exception of one peregrine falcon nest site in the canyon, the variety and abundance of wildlife populations in the area is not particularly noteworthy. The Kings River above Pine Flat Reservoir possesses excellent fisheries and has been designated as a Wild Trout Stream.

Little is known of the cultural resources of this area because Forest Service activities which require cultural resource inventories have not been performed. Archival and literature research indicates some significant cultural properties. It is assumed these resources have maintained a high level of preservation due to their isolation. Without field studies and professional evaluation, their full potential and significance cannot be assessed.

The area contains a great deal of extremely heavy fuels. The prevalent burning conditions which occur in the canyon are also rated as extreme. The combination of both conditions comprises one of the most extreme fire situations known to occur in the United States and there is a high potential for a major conflagration - a very real management concern. The Sequoia National Forest, in particular, has concern for protecting high value commercial forest and recreation and residential developments upslope of the roadless area. About 510 thousand board feet (MBF) of timber (150 MBF on the Sequoia) could be harvested annually within the area.

NEED

Public comment during the RARE II process and on earlier drafts of the Sierra Land Management Plan and DEIS showed a split between those persons or groups favoring wilderness and non-wilderness designation, with those favoring non-wilderness in the majority. Basic conflict regarding classification hinges on range, wildlife, fire, and water development interests. Range and wildlife issues relate to the ability to maintain and enhance forage conditions via vegetative manipulation projects which would usually require the use of mechanized equipment. Installation of minor facilities such as water developments to enhance animal use and distribution would also be necessary. With classification, fire protection, management, and suppression activities in this highly flammable area would be more difficult, with most activities sharply curtailed. Water development has been an issue with the possibility of dam construction proposed at Rodgers Crossing on the lower end of the area and at the junction of the middle and main forks of the Kings in the upper part of the area. The ability to maintain and increase the water runoff from this drainage is also an important issue. Wilderness proponents have spoken to protection of the free flowing nature of the river, the scenic qualities of the area, and a low-elevation, winter access wilderness area.

ENVIRONMENTAL CONSEQUENCES

1. Designation: Wilderness
   Sierra N.F. Prescription (applied to both the Sierra and Sequoia portions): Wilderness - emphasizing long-term diversity through fire management, maintenance of water quality, and wilderness recreation opportunities.

Wilderness designation would maintain the wilderness attributes of the area. Recreation use, primarily water/fishing and hiking oriented, would remain low because of poor access to the area. Manageability and enforcement of wilderness regulations would be difficult and costly due to limited access. There would be a slight decline in visitor day use due to prohibition of OHV travel. However, some encroachment may occur on some of the lower elevation trails in the unit.

Because of its proximity immediately adjacent to the San Joaquin Valley, low visibility would remain a factor, particularly during periods of inversion in the valley. Class I air quality is not attainable.

Any timber management activities in the standing timber would be foregone since any harvest option is precluded in wilderness. Estimated annual production foregone would be approximately 410 MBF (150 MBF on the Sequoia). Upslope fire protection of timber resources and developments and fuel management activities would be restricted under a wilderness classification. Firebreak opportunities are incompatable with wilderness objectives and would be foregone. Fire prevention and suppression costs would be greater than under non-wilderness management. Application of prescribed fire would be costly and limited.

Incorrect

Fire would be used to maintain or enhance vegetative diversity. Vegetative diversity would produce visual diversity and increase the variety of wildlife in the area. Most other deer habitat improvement project opportunities would be foregone under wilderness classification. Some minor projects which could be accomplished by handwork might be compatible with wilderness objectives.

Grazing would continue, but opportunities to increase grazing capacity would be foregone. Social and economic dependencies on the area are on grazing 4,000 AUM's. Wilderness designation is not expected to adversely affect maintenance of current improvements or AUM's. Management of allotments would continue but be more restrictive under this designation, with constraints on further grazing improvements.

Stream channels are relatively stable, and water quality and sedimentation would not change. The opportunity to develop dams for power or water purposes would be foregone with a wilderness designation of the area.

2. Designation: Non-Wilderness
   Sierra N.F. Prescription (applied to Sierra only): Front Country - emphasizing wildlife and range management while maintaining or enhancing water quality and runoff. One non-wilderness prescription applied.

   Sequoia N.F. Prescriptons (applied to Sequoia only): Water Oriented Recreation (OW2, MC2), Timber Production (CF7), General Dispersed Recreation (OW1, MC1), Range (OW6, MC6), Wildlife and Dispersed Recreation (OW5, MC5), and Water Yield (MC8). One or more of these prescriptions were applied depending on the alternative.

Wilderness attributes would be affected little, except for short-term impacts on natural appearance as a result of enhancement of wildlife habitat. Solitude would not change appreciably.

Prescribed fire would play a major role in vegetation and habitat management. Wildlife habitat would be improved through treatment; vegetative and animal diversity would increase. Vegetative treatment would also benefit grazing as well as fuel reduction programs. The current range management program could increase slightly under this prescription. Development of improvements to facilitate more intensive grazing in the lower part of the area could occur.

There could be some slight increase in hunter use of the area because of increased wildlife populations, although the area is steep and not easy to use. Recreation use is primarily water and fishing-oriented and would remain low because of steep terrain and vegetative cover. Access to the unit and throughout the area will limit people's ability to get around, although foot and horse trails could be developed and/or improved to facilitate this access. Cultural resources would remain reasonably protected since activities with potential for impacting cultural properties would require inventory, evaluation, and appropriate mitigation.

Air quality would remain the same given the proximity to the San Joaquin Valley, except for periods when prescribed fire would add smoke to the airshed. Water quality would decrease slightly with some sedimentation in the short run following any project, then stabilization would occur and normal conditions would return.

Economic and social benefits would be slightly increased in quantity due to increased human use (primarily hunting), slight increases in water quantity and some increases in grazing opportunities. Social consequences would be a negligible loss of natural environment and the loss of formal wilderness designation. Fire suppression costs would remain high due to limited access.

TABLE C.3

FURTHER PLANNING AREA - KINGS RIVER, SEQUOIA PORTION
AVERAGE ANNUAL OUTPUTS FROM WILDERNESS AND NON-WILDERNESS DESIGNATIONS
DECADE I

OUTPUT	NON-WILDERNESS	WILDERNESS
Dispersed Recreation (MRVD)	2.0	0.0
Wilderness Recreation (MRVD)	0.0	1.8
Total Wildlife & Fish User Days (WFUD)	0.8	0.7
Grazing (AUM)	0.84	0.84
Timber Volume (MMBF)	0.15	0.0

RARE II

Final Environmental Statement

Roadless Area Review and Evaluation

U.S. Department of Agriculture
Forest Service
FS-325

January 1979

74-862 O - 87 - 3

STATE: CALIFORNIA

AREA CODE	AREA NAME	WARS RATNG 0-99	DUPS RATNG 0-15	GRAZING ALL 0-99	POTEN YIELD %AVTMBR 0-99	PROGRAM HARVEST %AVTMBR 0-99	DISPER REC MDIUM 0-99	DISPER REC NONMDI 0-99	HARD ROCK MINRL RATNG 0-100	OIL AND GAS RATNG 0-100	URAN RATNG 0-100	COAL RATNG 0-100	GEO-THERM RATNG 0-100	LOW VALUE BULK RATNG 0-100
05203	MEADOWBANK RIDGE	11	0	0	.4	.0	.3	.5	80				5	40
NATIONAL FOREST: MENDOCINO N.F.														
05213	CYPRESS	16	0	0	.0	.0	.0	.2						
05198	ATWOOD RIDGE	20	3	1650	.0	.0	1.6	1.0						
05213	STAFF	17	0	760	.9	.7	.1	1.1						
05039	SOUTH SIERRA	20	2	2325	8.0	3.5	17.5	13.1	-1				97	
05197	DAI MTN	19	1	580	.4	.0	.0	.1	-1					
05199	AGNES	23	3	0	2.9	2.2	.9	.1	-1					65
05200	JENNIE LAKES	24	2	170	.0	.5	2.9	7.0	-1					
05202	GRANITE PEAK	19	0	0	.2	.2	.0	.2	-1					
05203	MOSES	22	0	630	2.9	2.2	.0	1.0	-1		-1		35	20
05204	BLACK MTN	14	0	730	.3	.2	.0	.3	-1				83	20
05205	SLATE MTN	19	2	25	1.7	1.3	.5	.8	-1				55	
05206	MOUNTAINEER	19	2	475	2.0	1.9	2.2	25.0	18				10	
05207	DOMELAND ADDITION	20	0	0	.8	.3	.0	.0					5	
05208	MINCOW	14	5	760	2.7	2.1	1.2	118.5	81				37	
05209	CANNELL	16	0	965	1.2	.0	.0	1.2	-1				50	
05210	CHIEF	16	11	810	1.1	.8	.0	14.3	-1				55	20
05211	LYON RIDGE	13	8	800	1.8	1.1	.5	2.2	-1				45	
05212	SCUDDS	17	0	88	.0	.0	2.7	.8	-1					
05218	HILL THREE	18	13	3700	.8	.3	.7	.8	80		80		15	
05215	GOLENHORN LOBE A	15	0	6185	.3	.2	.3	.0	80		80		80	
05205	DOMELAND ADDITIONS TI	17	15	0	.0	.0	.0	.0						
NATIONAL FOREST: SHASTA TRINITY N.F.														
04218	BELLMOUNT	22	12	0	.2	.1	.0	.0	83					
04219	ARTIE CRAGS	22	1	0	.0	.5	.5	1.0	-1				31	
04228	LTL FRENCH	22	7	0	3.5	.8	.0	.1	-1					
04231	MT SHASTA A	21	0	0	1.6	.0	.2	8.8	31	0	0	0	10	40
04209	FISHERGULCH	10	9	0	.1	.1	.0	.0	82					
04203	BARFOOT PB	20	8	0	.0	.0	.0	.0	20					
04203	CHINA SPRGS	20	3	0	.0	.1	.0	.0	73					
04218	BELLMOUNT	14	13	0	2.0	1.4	.0	.0	83					
04219	CASTLEGRACE	20	0	0	.5	.3	.5	1.0	-1				31	
04228	LTL FRENCH	20	8	0	.4	.2	.0	.0	-1					
04231	MT SHASTA B	19	7	0	1.1	.5	1.0	2.0	80	0	80	0	65	40
04209	FISHERGULCH	10	10	0	.3	.1	.0	.0	82					
04200	BARFOOT B	10	10	0	.3	.1	.0	.0	20					
04203	CHINA SPR B	16	11	0	.2	.0	.0	.0	73					
04079	UBLFANS MTN	20	8	725	13.0	1.7	.0	.0	-1					
04228	LTL FRENCH	20	10	160	0.0	3.8	.8	.2	-1					
04231	MT SHASTA C	20	9	0	.0	.0	.0	.0	.1	65	0	31	0	10	40
05133	WELLS MOUNTAIN	14	9	0	1.0	1.8	.2	.0	88						35
05210	BACKBONE	10	0	0	.5	.3	.0	.0	81						
04217	BONANZA KING	14	1	120	1.3	.8	.0	.1	80						35
04220	CHANCHELULLA	14	8	0	2.6	2.1	.1	.1	30						40

AREA CODE	AREA NAME	WARD RATNG 0-20	PURS RATNG 0-15	GRAZING ALL RATNG 0-100	POTEN YIELD RATNG 0-100	PROGRAM HARVEST RATNG 0-100	DISPER REC MTION 0-100	DISPER REC NUMBER 0-100	MARD PERM MINRL RATNG 0-100	OIL AND GAS RATNG 0-100	URAN RATNG 0-100	COAL RATNG 0-100	GEO-THERM RATNG 0-100	LOW VALUE BULK RATNG 0-100
05201	CHINGUAPIN	18	9	18	5.0	8.5	.3	.3	81					
05202	COW CREEK	18	7	0	3.1	1.7	.0	.1						
05203	DEVILS PUSH	14	5	0	2.3	.2	.2	.0	32				31	
05204	DOG CREEK	14	7	0	2.0	1.9	.1	.1	=1					
05205	EAST BERGUM	14	1	0	.2	.1	.2	.0	83					
05206	EAST FORK	19	8	80	1.5	1.2	.0	.0	33					
05207	EAST SIPAPO	17	7	0	5.6	.2	.0	.9	82				90	
05208	MT. ERDY	21	1	78	.7	.0	.1	1.0	82					
05210	WHITE MOUNTAIN	18	0	0	1.1	.0	.0	.0	80				98	
05212	PANTHER	19	8	0	2.0	1.0	.1	.0	25					15
05213	PATTISON	14	5	0	2.0	1.9	.3	.2	91					
05214	PEANEY RIDGE	19	8	0	.8	.4	.0	.0	15					
05215	SLATE CREEK	19	8	0	1.0	1.3	.1	.1	80					
05216	SOUTH FORK	19	7	0	1.3	.8	.0	.6	80					
05217	UNCERTAINTY	19	8	0	.8	.4	.0	.1	=1					
05218	WEST SIPAPO	17	5	0	5.0	2.2	.3	.5	83				85	
05219	WEST BERGUM	19	8	0	.4	.4	.1	.0	80					
05220	BALT GULCH	19	8	0	1.4	1.0	.1	.0	90					20
05298	MURPHY GLADE	19	7	0	.3	.2	.0	.0	20					
05300	EAGLE	19	8	0	1.4	1.0	.2	.0	80					20
05301	BIENVILLE GAP	22	0	0	.2	.1	.0	.0	=1					
05302	MOON GULCH	19	8	0	.0	.1	.0	.0	=1					
05304	BRAVER BALLY	19	8	0	.8	.4	.1	.2	85					
05305	CHERRY FLAT	14	0	0	.4	.2	.0	.0	=1					
05306	GRANITE PEAK	19	8	0	.4	.2	.0	.0	=1					
05307	LOOP FLANGE	20	9	100	2.4	2.2	.0	.3	=1					
NATIONAL FOREST: SIERRA N.F.														
05207	BIG MEADOWS	20	0	90	5.0	4.0	.0	59.0	85					
05208	BIGG RIVER	20	5	0	.0	.0	.0	.1						
05209	2	17	13	400	17.4	10.2	9.0	28.0						
05210	BIGG MTNS	20	5	1100	.5	.0	.1	1.0						
05211	FRANCLAUX RIDGE	14	0	0	.1	.1	.1	.5	30					
05212	LOYAL GULCH	14	0	150	.0	.0	.2	.7	70					
05213	MOUNT HASMOND	20	0	60	1.3	1.1	5.0	10.0	=1					
05214	SMUTTY	20	0	50	.7	.5	1.0	1.0	20					
05215	CHERRY LAKES	20	0	2113	0.1	5.0	10.0	80.0	=1				85	
05216	MOOSEHORN	20	7	102	.4	.3	.0	20.0	=1					
05218	STEAMBOAT SPRINGS	15	4	105	.4	.0	.1	.1	=1					
NATIONAL FOREST: STANISLAUS N.F.														
05208	CARSON ICEBERG	23	0	120	5.1	3.1	.2	0.5			90			
05209	CARSON ICEBERG	23	0	800	2.0	1.0	1.1	9.1						
05210	CARSON ICEBERG	23	5	3207	.4	.0	1.1	10.0						
05215	MT. REED	16	7	50	.4	.0	2.0	2.0	=1		=1			
05216	NORTH MOUNTAIN	20	0	0	1.1	1.1	.0	.7	=1					
05217	TOWNSEND PEAK	17	5	220	.1	2.5	.0	1.0	80					

Senator BUMPERS. Thank you very much, Congressman.

I think that we are sufficiently in agreement.

I was just looking to see something. Do you have anything in your testimony here as to what the estimate the cost of that trail will be now?

Mr. LEHMAN. You know, they came in the other day and told us that it was up to about $6 million now. It was $4 million a couple of weeks ago. But they now say they have to include 40 percent additional for overhead on the trail.

Now, when I first got involved in the efforts to build this trail six years ago, the Forest Service employees estimated the cost at $350,000. So, it has gone from $350,000 to $6 million.

It is authorized in the bill. It would be one of the most significant trails in the Sierra, in an area that is totally untrailed at the present time. I think it would be important to let some access in there for people to enjoy the canyon.

But it is envisioned that this be done over a long period of time, not in one appropriation. And I certainly intend to seek State moneys for it, also private moneys that would be available, and to enlist local support for it.

So it is not something that we are asking for today. But we would like to see it as part of the long-term management plan for the canyon.

Ultimately, I think it is the public that protects these resources, and when people get to see them and enjoy them, that will only enhance the other values that we are trying to maintain—the esthetic, the wildlife, and the scenic.

Senator BUMPERS. Congressman, thank you very much for coming over. That is fine testimony.

I don't think we are going to have much trouble with this bill.

Mr. LEHMAN. Thank you, Mr. Chairman.

Senator BUMPERS. I see that our friend, Tom Bevill, is back with us.

Tom, are you prepared to testify on the Alabama bill?

Mr. BEVILL. Yes, sir.

Thank you, Mr. Chairman.

I have Senator Heflin's statement here that he would like to submit for the record.

Senator BUMPERS. Without objection, it will be submitted for the record.

[The prepared statement of Senator Heflin follows:]

STATEMENT OF
SENATOR HOWELL HEFLIN
SENATE SUBCOMMITTEE ON PUBLIC LANDS
MAY 21, 1987

HEARING ON H.R. 626, A BILL TO PROVIDE FOR THE CONVEYANCE OF CERTAIN PUBLIC LANDS IN ALABAMA.

MR. CHAIRMAN, I APPRECIATE THE OPPORTUNITY TO TESTIFY BEFORE YOUR COMMITTEE ON H.R. 626. THIS LEGISLATION WAS INTRODUCED BY CONGRESSMAN BEVILL TO PROVIDE FOR THE CONVEYANCE OF PUBLIC LANDS IN CHEROKEE, DE KALB, AND ETOWAH COUNTIES OF ALABAMA.

MR. CHAIRMAN, THE UNITED STATES GOVERNMENT PRESENTLY HAS A PARTIAL UNDIVIDED INTEREST IN ALMOST 16,000 ACRES OF LAND IN THESE THREE COUNTIES. THIS LAND WAS FIRST GRANTED TO THE STATE OF ALABAMA IN 1856 "FOR THE PURPOSE OF AIDING IN THE CONSTRUCTION OF RAILROADS." THE LAND IN QUESTION, WAS LOCATED WITHIN OVERLAPPING LIMITS CLAIMED BY THE COOSA CHATTOOGA IN THE ALABAMA AND CHATTANOOGA RAILROADS.

IN 1882, THE ALABAMA LEGISLATURE ENACTED A STATUTE REPORTING TO CONVEY ALL TITLE TO THE LAND IN QUESTION TO

WHICH EVER RAILROAD WAS ACTUALLY BUILT. IN 1890, CONGRESS PASSED THE FORFEITURE ACT WHICH CAUSED THE RAILROADS' INTEREST IN THIS LAND TO REVERT TO THE UNITED STATES. THE INVALID CHAINS OF TITLE WHICH EXISTS TODAY, DATE BACK TO THIS 1882 ALABAMA STATUTE.

WHILE THERE WAS SOME KNOWLEDGE OF THIS PARTICULAR MATTER, IT WAS NOT UNTIL A FEDERAL COURT RULING IN MARCH OF 1986 THAT ATTENTION WAS FOCUSED ON THE PROBLEM. AS A RESULT OF THIS CASE, WHICH AFFIRMED THE PARTIAL INTEREST OF THE U.S., MORTGAGE AND TITLE COMPANIES WILL NO LONGER GUARANTEE TITLE INSURANCE POLICIES, EFFECTIVELY STOPPING ANY REAL ESTATE TRANSACTIONS.

THIS LEGISLATION PROVIDES THAT ANY U.S. INTEREST IN THESE LANDS WOULD BE CONVEYED TO A TRUSTEE WHO WOULD THEN CONVEY THE INTEREST TO THE CURRENT OWNERS OF RECORD. I WOULD ADD, MR. CHAIRMAN, THE MINERAL RIGHTS HELD BY THE UNITED STATES WILL BE RESERVED BY THIS LEGISLATION.

THIS IS A QUICK AND SIMPLE SOLUTION, MR. CHAIRMAN, WITH LITTLE COST TO THE U.S. GOVERNMENT TO PROCESS CLAIMS. IT WOULD PROVIDE RELIEF TO SOME 525 INDIVIDUALS WHO BELIEVE THEY HAVE GOOD TITLE TO THE LAND WHICH HAS BEEN IN THEIR FAMILIES FOR GENERATIONS.

I WOULD URGE THE COMMITTEE TO ACT EXPEDITIOUSLY ON H.R. 626. IT HAS PASSED THE HOUSE AND IT IS MY UNDERSTANDING THAT IT HAS BEEN CLEARED BY OMB AND THE DEPARTMENT OF INTERIOR.

MR. CHAIRMAN, I WOULD LIKE TO COMMEND CONGRESSMAN TOM BEVILL FOR HIS LEADERSHIP AND PERSEVERANCE IN THIS EFFORT. AS ALWAYS, HE IS REPRESENTING THE BEST INTEREST OF HIS DISTRICT HERE IN CONGRESS.

THANK YOU FOR THIS OPPORTUNITY, MR. CHAIRMAN.

STATEMENT OF HON. TOM BEVILL, A U.S. REPRESENTATIVE FROM THE STATE OF ALABAMA

Mr. BEVILL. I might say that both my Senators, of course, are very supportive of this H.R. 626.

Briefly, Mr. Chairman, 130 years ago, in a deed made by the Federal Government to the State of Alabama granting land to three railroads, it had a provision in there, a reversionary clause to the effect that if the railroad is not built, then the land would revert back to the Federal Government.

The State of Alabama then deeded the land to individuals, but only two of the railroads were built. But this third railroad was not built and, therefore, that land did technically revert back to the Federal Government, although the State of Alabama made the deed and even the legislature approved this.

But for 60 years, usually the attorneys in the area, which is customary in a lot of areas, did not go back for more than 60 years in checking the title, and, actually, many people, many of the landowners, were not aware of this defect in their title until the Federal court decision last year.

Then I began receiving calls from people who would go to apply for a loan and learn that they only owned an undivided one-half interest and that was because this railroad overlapped with another one within the six mile limit, and so, the other two railroads' titles were good but this one was an undivided one-half interest that is actually, technically, owned by the government.

But for 130 years, Mr. Chairman, these families, 500 families and their relatives before them, have been paying taxes and occupying. They have built homes, they have built churches, they have built other public buildings on this land, and were shocked to learn, of course, last year, when the court made this decision, that they only had an undivided half interest. A good example is one of the first couples who contacted me was the Gentrys.

All of this is in my district and three of my counties—De Kalb, Cherokee, and Etowah.

The Gentrys had sold their home and bought another home in anticipation of closing out the sale of their home when this decision was made. So they wound up with two mortgages to pay because the sale fell through on their home and there they were, they had bought one that wasn't in this particular area.

Mrs. Gentry—and these are two senior citizens—had to get a job and start working so that they could pay two mortgages. That was the only way they could do it. And they are doing that now.

It is very urgent. If one of these homeowners needs a new roof, they cannot get it. They cannot finance a new roof for their dwelling because of the title not being clear.

Senator BUMPERS. Tom, there must be some title attorneys down there that are kind of red-faced.

Mr. BEVILL. Well, except for the fact that this was customary, that they only went back 60 years, when the defect actually occurred 130 years ago.

So, actually, it really wasn't the attorneys' fault because they did not require the title to go all the way back to the date of the patent, like you and I have done on many cases.

But so many of the areas down there do that, just go back 60 years.

So, it is a most unusual thing.

What this bill does is clear that title up. The Secretary of the Department of Interior is personally familiar with it and he supports it. The OMB has no objection.

As far as I know, nobody has any objections. Congressman Mo Udall—Chairman Mo Udall's committee—as a whole has approved it unanimously. The House approved it unanimously.

Mr. Chairman, we appreciate so much your taking the time to hear this and set this on your busy schedule. If there is any way to expedite this, it would certainly be appreciated because of the suffering that these families are incurring now, who cannot sell their homes, who cannot repair their homes or get loans to repair them. They cannot get title insurance.

So you can imagine the frustration that they are incurring, even though they have been paying taxes on this property for 130 years.

[The prepared statement of Mr. Bevill follows:]

TESTIMONY OF U.S. REP. TOM REVILL OF ALABAMA
BEFORE THE
ENERGY AND NATURAL RESOURCES SUBCOMMITTEE ON
PUBLIC LANDS, RESERVED WATER AND RESOURCE CONSERVATION
U.S. SENATE
MAY 21, 1987

MR. CHAIRMAN, I AM GRATEFUL FOR THIS OPPORTUNITY TO APPEAR BEFORE YOUR COMMITTEE TO DISCUSS MY BILL, H.R. 626, WHICH HAS BEEN PASSED BY THE HOUSE. THIS BILL WOULD ENABLE MORE THAN 500 LANDOWNERS IN THE FOURTH CONGRESSIONAL DISTRICT OF ALABAMA TO OBTAIN CLEAR TITLE TO THEIR LAND. I ESPECIALLY APPRECIATE YOUR COOPERATION AND KINDNESS IN HAVING THIS HEARING TO HELP MY CONSTITUENTS WHO ARE AFFECTED BY THIS PROBLEM.

SEVERAL OF THESE LANDOWNERS CONTACTED ME WHEN THEY LEARNED THAT THE UNITED STATES OWNS A PARTIAL UNDIVIDED INTEREST IN THEIR LAND. THIS PROBLEM STEMS FROM AN 1800S RAILROAD LAND GRANT AND THE SUBSEQUENT SALES OF THAT PROPERTY.

MANY OF THE LANDOWNERS HAVE LIVED ON THIS LAND ALL THEIR LIVES AS THEIR FAMILIES DID BEFORE THEM. THEY ASSUMED THAT THEY OWNED IT AND THEY HAVE BEEN PAYING FULL PROPERTY TAXES ON IT. THIS FEDERAL INTEREST, WHICH CAME TO LIGHT IN A COURT CASE LAST YEAR, HAS CAUSED PROBLEMS FOR MANY OF THESE LANDOWNERS. THEY'VE HAD TROUBLE SELLING THEIR LAND, BUILDING ON IT AND OBTAINING TITLE INSURANCE. ALMOST 16,000 ACRES IN CHEROKEE, DEKALB AND ETOWAH COUNTIES, STRETCHING FROM GADSDEN TO FORT PAYNE, ALABAMA, ARE AFFECTED.

THIS PROBLEM DATES BACK MORE THAN 130 YEARS. THE LAND WAS GRANTED BY THE FEDERAL GOVERNMENT TO THE STATE OF ALABAMA IN 1856 FOR THE CONSTRUCTION OF THREE RAILROADS. THE LAND IN QUESTION WAS LOCATED WITHIN THE OVERLAPPING SIX MILE LIMITS CLAIMED BY THE COOSA AND CHATTOOGA AND THE ALABAMA AND CHATTANOOGA RAILROADS.

THE ACT OF 1856 PROVIDED THAT IF A RAILROAD WAS NOT BUILT WITHIN A CERTAIN NUMBER OF YEARS, NO FURTHER SALE WAS TO BE MADE AND THE LANDS WERE TO REVERT TO THE UNITED STATES. THE COOSA AND CHATTOOGA WAS NEVER BUILT, BUT THE REVERSIONARY CLAUSE WAS NOT IMMEDIATELY ENFORCED.

IN 1882, THE ALABAMA LEGISLATURE PASSED A STATUTE TO CONVEY ALL TITLE TO THE LAND IN QUESTION TO THE RAILROAD WHICH WAS ACTUALLY BUILT. THE ALABAMA AND CHATTANOOGA GOT TITLE TO ALL THE RAILROAD PROPERTY UNDER THE STATE LAW.

IN THE YEARS THAT FOLLOWED, THE ALABAMA AND CHATTANOOGA APPARENTLY SOLD SOME OF THAT PROPERTY TO PRIVATE OWNERS.

IT WASN'T UNTIL THE FEDERAL FORFEITURE ACT OF 1890 THAT THE U.S. EXPRESSLY CLAIMED TITLE TO THE UNDIVIDED ONE-HALF INTEREST OF THE COOSA AND CHATTOOGA RAILROAD LAND.

THE INVALID CHAINS OF TITLE RELATING TO THE UNITED STATES INTEREST CAN BE TRACED TO THE ATTEMPT BY THE STATE OF ALABAMA TO CONVEY FEE TITLE TO THE ALABAMA AND CHATTANOOGA RAILROAD.

WHILE SOME LANDOWNERS HAD LEARNED ABOUT THE FEDERAL GOVERNMENT INTEREST, MOST HAD NO IDEA THAT THEIR PROPERTY WAS JOINTLY OWNED WITH THE FEDERAL GOVERNMENT.

SINCE MOST TITLE SEARCHES GO BACK ONLY 60 YEARS, THE DISCREPANCY MOSTLY WENT UNDETECTED. IN FACT, AS I MENTIONED EARLIER, THE PROPERTY OWNERS HAVE BEEN PAYING TAXES BASED ON FULL OWNERSHIP.

LAST YEAR, IN UNITED STATES V. ALLIED PRODUCTS CO., A FEDERAL COURT AFFIRMED THE PARTIAL U.S. INTEREST IN THIS LAND. THAT RULING HAS PREVENTED A NUMBER OF MY CONSTITUENTS FROM GETTING INSURANCE, LOANS AND CONSTRUCTION CONTRACTS BECAUSE THEY CANNOT GET CLEAR TITLE TO THEIR LAND.

LINDA AND HAROLD GENTRY, FOR EXAMPLE, HAD ALREADY SOLD THEIR HOUSE IN THE GASTON SCHOOL COMMUNITY NORTH OF GADSDEN AND BOUGHT ANOTHER ONE WHEN THE SALE OF THEIR FIRST HOUSE FELL THROUGH BECAUSE A TITLE SEARCH REVEALED THE GOVERNMENT'S PARTIAL INTEREST.

MRS. GENTRY TOLD ME THAT SHE HAD TO GET A JOB SO THEY COULD PAY FOR TWO MORTGAGES. AS MANY AS FIVE DIFFERENT FAMILIES IN THEIR NEIGHBORHOOD HAVE TRIED TO EITHER SELL OR BUILD ON THEIR PROPERTY AND HAVEN'T BEEN ABLE TO.

THE GENTRYS WERE AMONG THOSE WHO BROUGHT THIS MATTER TO MY ATTENTION. THE U.S. DEPARTMENT OF INTERIOR UNCOVERED THE VAST EXTENT OF THIS PROBLEM AFTER SEVERAL LANDOWNERS CONTACTED THEM.

I WAS CONCERNED THAT MANY PEOPLE HAD NO IDEA THAT THEIR LAND IS AFFECTED. HOWEVER, I HAVE MET WITH INTERIOR SECRETARY DONALD HODEL AND IT IS MY UNDERSTANDING THAT HIS AGENCY HAS NOTIFIED ALL THE LANDOWNERS INVOLVED.

INDIVIDUAL FAMILIES ARE NOT THE ONLY ONES AFFECTED. IT IS MY UNDERSTANDING THAT SOME OF THE CITY OF GADSDEN'S PROPERTY, ALONG WITH A NUMBER OF GADSDEN BUSINESSES, CHURCHES AND SCHOOLS ARE ALSO LOCATED ON PROPERTY PARTIALLY OWNED BY THE FEDERAL GOVERNMENT.

I WANT TO MAKE SURE THAT THE PEOPLE WHO OWN THAT PROPERTY NOW RECEIVE FULL OWNERSHIP RIGHTS TO IT. IT WOULD BE A TERRIBLE INJUSTICE AND HARDSHIP ON THEM IF THEY DIDN'T.

MY BILL AUTHORIZES AND DIRECTS THE SECRETARY OF INTERIOR TO CONVEY THE FEDERAL GOVERNMENT'S RIGHT TO THIS LAND TO A TRUSTEE WHO WOULD THEN CONVEY THE INTERESTS TO THE CURRENT OWNERS OF RECORD. THE FEDERAL GOVERNMENT WILL RETAIN ITS PERCENTAGE OF OWNERSHIP IN THE MINERAL RIGHTS.

I THINK THIS IS A QUICK, SIMPLE AND FAIR SOLUTION, WITH VERY LITTLE COST TO THE FEDERAL GOVERNMENT.

I HAVE DISCUSSED MY BILL AT LENGTH WITH SECRETARY HODEL. HE HAS INDICATED TO ME THAT HE THINKS THIS WOULD BE THE MOST ECONOMICAL AND EFFICIENT WAY OF SOLVING THIS PROBLEM.

THE HOUSE MOVED VERY QUICKLY ON THIS BILL BECAUSE IT IS AN URGENT SITUATION FOR MANY OF THESE LANDOWNERS LIKE THE GENTRYS. I HOPE THAT THE SENATE ALSO WILL ACT ON IT AS EXPEDITIOUSLY AS POSSIBLE.

I APPRECIATE ANY HELP YOU CAN GIVE MY CONSTITUENTS. I KNOW THEY WILL BE GRATEFUL TOO.

Senator BUMPERS. Tom, I will do my very best.

You know, I used to practice law in front of a judge, and every time there was no controversy, he would always say well, he would be the adversary. That is the way it is in this committee.

I cannot vouch for the rest of them, but I would expect we will get this bill out rather expeditiously, and I will do my best.

Mr. BEVILL. Thank you very much.

Senator BUMPERS. Thanks for coming over, Tom.

Congressman Pashayan, thank you for joining us. We are very pleased to hear from you.

STATEMENT OF HON. CHARLES J. PASHAYAN, JR., A U.S. REPRESENTATIVE FROM THE STATE OF CALIFORNIA

Mr. PASHAYAN. Thank you very much.

If I may, let me get my prepared statement into the record and just make one or two observations on the bill, H.R. 799.

Senator BUMPERS. By all means, and please feel free to summarize.

Mr. PASHAYAN. I wish to address the heart of the compromise in terms of legislative intent and what the bill has done.

The development that you heard referred to earlier in particular that has given rise to the controversy, ever since Congressman Bernie Sisk, who is now my constituent, developed some wilderness legislation upstream, is a project called Rodgers Crossing, which would be a dam some 12 miles as the crow flies upstream from the Pine Flat Dam, already on the Kings River. It would be a second dam.

That has been the point of controversy.

The original bill would have put into Wild and Scenic the river all the way down to Pine Flat Dam. What this bill does is to back up Wild and Scenic to an area where, in theory, the dam could be built one day.

The compromise simply is that as the situation now stands, the Kings River Conservation District would be free to construct the dam on the river to finance it entirely because it has never been contemplated, Rodgers Crossing has never been contemplated to be a project paid for by the Federal Government, entirely financed by the Kings River Conservation District.

All this could be done under the status quo today, without any involvement of Congress.

This, of course, is where matters now stand.

Then, concerns arose about the environmental matters, and the idea came up to put the entire thing into Wild and Scenic.

But what our compromise does, Mr. Chairman, is to keep that area out of Wild and Scenic. At the same time, the effect of it is to require Congressional approval to build the dam, which is different from the status quo.

But, in seeking Congressional approval, the people who would build the dam do not have to worry about taking it out of Wild and Scenic because it is specifically not being put into Wild and Scenic.

That is really the compromise.

Just to repeat it, on the one hand, the people who would build the dam, the Kings River Conservation District, have to get Con-

gressional approval, something they do not have to do now. But, on the other hand, it is not put into Wild and Scenic, which would mean, in effect, Congressional approval would be impossible to get.

That is the compromise and that is why I am here to say that I fervently hope the Senate will preserve this bill and with it that compromise.

[The prepared statement of Mr. Pashayan follows:]

STATEMENT OF REPRESENTATIVE CHARLES PASHAYAN, JR. BEFORE THE SENATE SUBCOMMITTEE ON PUBLIC LANDS, NATIONAL PARKS AND FORESTS, COMMITTEE ON ENERGY AND NATURAL RESOURCES, IN SUPPORT OF H.R. 799, 366 DIRKSEN BUILDING, MAY 21, 1987

MR. CHAIRMAN, I appreciate your Subcommittee calling these hearings on H.R. 799, legislation I initially opposed until my colleague Mr. Lehman, the author of H.R. 799, and I were able to craft what I consider to be an innovative if not an historical accord to a controvery in our area of California.

The legislation now before this body accomodates both those who adamantly oppose the construction of a dam on the Kings River, California, regardless of what future circumstances may be, and those who insist that the possibility of building a dam at the Rodgers Crossing site in the future be kept alive. The controversy has been long and hot. It stems from legislation developed in 1963 by our former colleague, Bernie Sisk, to put Tehipite Dome and Cedar Grove into Kings Canyon National Park. This was accomplished in 1965. It is certainly the view of Mr. Sisk, who is a resident of my 17th Congressional District, that as a part of the process there was a compromise whereby Rodgers Crossing would be left open to development sometime in the future.

In recognition of the controversy and of the issue of whether a dam at Rodgers Crossing should be allowed, the House of

Representatives has in H.R. 799 made as the crux of this legislative accord a decision specifically not to designate the lower 11 or so miles of the Main Stem of the Kings River as a component of the Wild and Scenic River System.

In doing so the Committee on Interior and Insular Affairs and the House of Representatives has laid on the record that the Congress would be required to amend this Act, and not the Wild and Scenic River Act, to allow the construction of any dam within the Kings River Special Management Area, should that type of decision be reached.

The river, however, is protected within a Special Management Area whereby construction of a dam would be permitted only with the specific authority of the Congress. This is accomplished in two ways--the prohibition on the use of Federal lands for the "construction of any dam or diversion within the Kings River Special Management Area," and the protections accorded to segments of the River by the Wild and Scenic River Act itself. Studies by the Kings River Conservation District could, however, continue, including within the Special Management Area, for any purpose the District deems appropriate, including possibly building a dam at Rodgers Crossing.

Equally at the heart of the compromise, too, is the agreement by my colleague Mr. Lehman to support raising the Pine Flat Dam, already on the Kings River, by 20 feet as a flood control project to be engineered and constructed by the Corps of Engineers. This is to begin immediately, and in fact Mr. Lehman and I have already asked the Appropriations Committee for the funds. I certainly hope that the Senate will support this

effort, as it is, again, a part of the compromise as much as H.R. 799.

As developed by the Committee on Interior and Insular Affairs, H.R. 799 designates two of the undeveloped forks of the Kings River--the South and Middle Forks--as well as nearly six miles of the Main Stem of the Kings River as components of the Federal Wild and Scenic River System.

In establishing the Kings River Special Management Area--some 45,000 acres--along either side of the Main Stem of the Kings River, the Forest Service is directed to protect the areas' natural, archeological, and scenic resources, as well as to provide for appropriate fish and wildlife management.

While recognizing the natural attributes of the area, the legislation also permits grazing, hunting, fishing, mining as now exists, and some harveting of timber if necessary because of fire, insects or disease. Off-road vehicle use would be permitted to existing areas, and a management plan would provide for the development of hiking trails, with special emphasis directed to the area between Garlic Creek and Little Tehipite Valley. Private right of engress and egress is permitted.

I will be the first to admit, Mr. Chairman, that there are tieber resources in the Kings River Special Management Area. Some, but not all of the volume, was reported in the January 1979 Final Environmental Impact Statement relative to the Roadless Area Review and Evaluation II (RARE II). The volume identified in that document was approximately 500,000 board feet in the so-called B5198 roadless area which is in the Sequoia National

Forest. No potential yield or program harvest was identified on the Sierra National Forest portion of the BS198 RARE II area. The Congress, in passing the California Wilderness Act, placed all 48,668 acres of the BS198 area into Further Planning. The acreage of the Kings River Special Management Area is, I am told, is about 600 to 700 acres larger.

The Kings River Special Management Area, which I explained was carved from but is not totally consistent with the RARE II lines drawn in 1979, contains approximately 77 million board feet of white wood. The Forest Service reports that about 1.3 million board feet of that inventory might at some point be harvested. That inventory occupies about 3,000 acres on the northeastern and southern boundaries of the 49,000 acres in the Special Management Area. Some of it on the southern boundaries is mixed with Sequoia redwood and the Supervisor of that Forest, Mr. James Crates, on October 7, 1986, ordered his timber management personnel to "plan no new sales involving giant sequoia in the Five Year Timber Sale Program for FY 88-92." The issue of harvesting white wood within known groves of Sequoia redwood currently in pending in the Federal District Court in Fresno.

In closing, Mr. Chairman, I want to thank you for the courtesy afford me, and I will be certainly answer any questions you might want to pose. I also ask that you and your colleagues join in helping to forge this historic accord into the law of the land by supporting H.R. 799 as amended.

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Senator BUMPERS. Congressman, I understand that this entire area is in your district——

Mr. PASHAYAN. It is.

Senator BUMPERS [continuing]. And that you have been the one who was really instrumental in hammering out this compromise.

I just want to applaud you for your efforts. These are always very difficult things to get everybody on board. I don't know that we have the Forest Service on board right now, but then, we have done things before without their permission.

Mr. PASHAYAN. I think that is right, and I think this will have to be another instance.

Senator BUMPERS. I think it will be.

You certainly are to be commended on a long drawn out process of hammering out what I think is a very sensible compromise. It is my guess that this bill is going to come out of this committee and will pass the floor with flying colors in its present form.

Mr. PASHAYAN. Mr. Chairman, I thank you for your kind words, and would only add that it was an interesting process and, as you say, long and drawn out.

I enjoyed working with the other people who also participated. And certainly they deserve full credit, I am sure you realize, as well.

Senator BUMPERS. Well, even those of us who are not as familiar with it as the interested parties have an immense respect for you. Certainly both your Senators seem to strongly favor this, and that would weigh heavily. I think it certainly would weigh heavily with me, as it would with the rest of the Senate.

So, we should not have any difficulty with this.

Mr. PASHAYAN. I appreciate that very much, sir.

Mr. BUMPERS. And thanks for coming over to be with us, Congressman.

Mr. PASHAYAN. Thank you, sir.

Senator BUMPERS. We have a panel to testify now: Fred Hutchison, Washington Representative, Sequoia Forest Industries; James L. Howard, Assistant Manager, Kings River Conservation District; and Mark Rey, Vice President, Public Timber Council.

Ms. Delaney, do I understand that you are going to be speaking for Mr. Rey.

Ms. DELANEY. Yes.

Senator BUMPERS. That's fine.

If you will, proceed in this order: Mr. Hutchison first. Please feel free to proceed. If you like, we would be happy to put your entire statement in the record, though I see even that is going to be pretty expensive. But please feel free to summarize your statement.

STATEMENT OF FRED H. HUTCHISON, WASHINGTON REPRESENTATIVE, SEQUOIA FOREST INDUSTRIES

Mr. HUTCHISON. Thank you, Mr. Chairman.

My name is Fred Hutchison. I am the Washington Representative of Sequoia Forest Industries.

It is indeed an honor and a privilege to be back in this room. This is the first time that I have been on this side of the dias.

There is one thing that I did learn when I was a legislative assistant for Senator Frank Church, and that is, in fact, that summaries are very much welcomed on these afternoon hearings. So I am going to be really brief and would, in fact, ask that our entire statement be put into the record.

Sequoia Forest Industries operates three major wood products facilities in the southern Sierra Mountains of Central California. We have asked to testify at this hearing because one of these facilities, our flagship mill at Dinuba, will be directly affected by the proposed Kings River Special Management Area, established by section 2 of H.R. 799, and the company's two mills at North Fork and Auberry will be indirectly affected by this proposal.

Before I discuss what our concerns are—and they are fairly minor concerns—with respect to this bill, let me just paint for you very quickly a picture of what the timber supply situation looks like in the southern Sierra Mountains.

In the Fresno area in California there are really two principal national forests, as you know—the Sierra National Forest and the Sequoia National Forest.

Viewed separately or together, these national forests contain stands of softwood saw timber of truly immense proportions. It is somewhere on the order of 16 to 20 billion board feet.

Under previous management plans, enough Forest Service timber was sold annually to encourage the private sector to construct and upgrade seven major sawmills in the southern Sierra Mountains.

However, while preparing the new Land and Resource Management Plans for these two forests, the Forest Service identified areas within each forest which were, in their terms, capable, available, and suitable for timber management.

If managed intensively for timber production, as could be done without impairing the long-term productivity of the forest, these lands would produce more than enough timber to meet the raw material needs of those seven existing sawmills. Our statement goes into quite a bit of detail to document those particular facts.

Unfortunately, the Forest Service has selected management alternatives in those plans that utilize only 50 to 75 percent of the available timber from those capable, available, and suitable lands. As a consequence, neither plan provides enough timber to meet the current needs of local mills which are dependent on these forests.

The timber supply situation in this area is further complicated by three issues that are only very indirectly affected by this legislation, although they are clearly under the jurisdiction of your particular subcommittee.

One concerns the budget for timber sales in this particular area. We have been very concerned that California and Washington—excuse me—that Oregon, Washington, and Idaho have been receiving more than their fair share of timber in the last two or three years and that California has not. We have been working specifically with the Appropriations Committee to get this situation turned around.

A second issue which, again, directly impinges upon the timber supply situation in this area is a moratorium which the Forest Service has imposed on the use of herbicides. Herbicides are used

primarily for brush control, and it is Forest Service policy in California to cut timber only in areas which can be adequately restocked with trees within five years, and without the use of herbicides, approximately 20 percent of the planned timber sales in those southern Sierra Mountains cannot meet that policy requirement.

The third area of concern to us has to do with a situation which has developed during this fiscal year where literally every timber sale that is being offered by the Sequoia National Forest has been and is being appealed. These appeals are originating really from two places—the various local chapters of the Sierra Club and the Kern Valley Wildlife Association.

There is some merit to these appeals.

The Forest Service is backed up in producing its environmental assessments to go along with these sales, and there is some vulnerability there which the environmental folks are exploiting.

We hope this situation will cure itself. But right now, we are not very encouraged.

In listening to the statement which Congressman Lehman presented this afternoon, I would say that we have had a little more success, we feel, in being able to get some resource information from the Forest Service. We have been working directly with the timber management officers on both the Sierra and the Sequoia National Forest. Those folks indicate to us that there is approximately 60 million feet of standing inventory of timber in this particular area.

As George Leonard mentioned, most of that timber is up past the breaks of the river, where the area, the Special Management Area, starts to go out on a flat slope.

I prepared a fairly crude map which displays some areas that we are interested in in particular, which are up past the breaks, that are still within the roadless area boundary, but they are not the steep parts of the canyon.

The three areas that we are really concerned about—four areas—let me talk about the areas in gray with you first.

This area, the Garlic Meadow area, on the far northeastern corner of the Special Management Area contains approximately 13 million feet of timber. That is not a whole lot. But it is included in the timber base for the Sierra National Forest.

That is some good, productive timber, which could be accessed at some point in the future.

This area, on the southern part of the forest, in the Sequoia side of the forest, is in the Converse Mountain area. That is where most of the timber, as we understand it, on the Sequoia side, is located. The Forest Service has given us some macro figures, and we have not been able to get the kind of precise data that we would like to bring to this committee.

But it is our understanding that there is about 47 million feet of standing timber in this area that is what they call whitewoods. It does not include any of the redwoods. There are some redwoods in that area, and any timber management would have to be obviously very carefully planned around what redwood trees are there.

On the far southwestern part of the area, that is an area which is the McKenzie Ridge area. Again, we don't have precise informa-

tion there, but it is a relatively flat area that does have some timber.

Congressman Lehman mentioned this area [indicating], which is sort of in the north-central part of the Special Management Area, which is an area that was damaged by fire last summer. In talking to the Forest Service, this is an area of pretty high salvage priority for them. There is a lot of very large Ponderosa Pine trees that have been damaged and that will, in fact, die.

The company that I represent has contacted the principal helicopter logging firm on the West Coast and has asked them whether it looks like that timber could be gotten out economically. The answer was that yes, it definitely could.

We agree with Congressman Lehman that the language of this bill appears to allow for that kind of salvage sale situation.

Clearly we have one small problem here in that this area is in a RARE II further planning area, which has not been covered by release language. If you go the full route of having to go for a full-blown EIS there, in all likelihood the timber—it will take a couple of years to prepare that EIS—the timber at that point probably will not have the kind of value that it has if you can get to it within the next 10 to 12 months. That is clearly something that we prefer to do.

Again, I think our statement indicates really how tight the timber supply situation is in this part of the world. Quite honestly, it looks as if one or more of the seven sawmills in the southern Sierra Mountains could, in fact, be squeezed out fairly shortly.

That really is the extent of what we have to say.

I would be happy to answer any questions that you might have.

I would add that we would hope to be able to have our Chief Forester here, who is far more knowledgeable about this area than I am. I have never seen the area. He knows it like the back of his hand.

This week he had a marriage, a funeral, a graduation and a trial, and I just not have been able to get much of his attention.

[The prepared statement of Mr. Hutchison follows:]

Statement

of

Fred H. Hutchison
Washington Representative
Sequoia Forest Industries

before the

Public Lands, National Parks and Forests Subcommittee
Committee on Energy and Natural Resources
United States Senate

May 21, 1987

Re. H. R. 799 (Kings River)

Mr. Chairman and members of the Subcommittee, I am Fred H. Hutchison, Washington Representative of Sequoia Forest Industries ("SFI"). SFI operates three major wood products facilities in the southern Sierra Mountains of central California. We have asked to testify at this hearing because one of these facilities -- our flagship mill at Dinuba -- will be directly affected by the proposed Kings River Special Management Area established by Section 2 of H. R. 799 and our two mills at North Fork and Auberry will be indirectly affected by this proposal.

Before I detail our concerns about Section 2, let me take a few minutes to provide you with background information about Sequoia Forest Industries and the current timber supply situation on the Sierra and Sequoia National Forests.

Sequoia Forest Industries

Sequoia Forest Industries is owned by Ronald C. Yanke, of Boise, Idaho. Mr. Yanke also owns and operates Yanke Machine Shop, Inc., of Boise, a company which has long been involved in providing manufacturing, construction, and engineering services to the forest products industry.

The sawmills at Dinuba and Auberry were owned previously by Wickes Forest Industries. Wickes was forced into bankruptcy in 1982, and SFI bought the Wickes assets and operations in September 1984. In purchasing the Dinuba and Auberry mills, Mr. Yanke saw the opportunity to use his manufacturing and engineering resources in conjunction with the experienced sawmill work force to increase the productivity of the two mills and improve their competitive position in the lumber market.

To accomplish that goal, SFI built and now operates "cogeneration" plants adjacent to the Dinuba and Auberry sawmills. These facilities burn sawdust and other waste products from the lumber manufacturing process to produce steam. The steam, in turn, is used to dry the finished lumber and to generate electricity for the mills. A total of 13.2 megawatts of excess power from the two cogeneration plants is sold to Pacific Gas and Electric Company.

Statement of Sequoia Forest Industries **May 21, 1987**

Sequoia Forest Industries' third sawmill, the one located at North Fork, was purchased from American Forest Products in December 1984. Construction of a cogeneration plant has begun at North Fork and this facility should be producing electricity before the end of the year.

Because the lumber market fluctuates along with the national economy (especially the rate of home construction) alternative sources of cash income are needed when the lumber market declines. The cogeneration plants provide that income and are, therefore, a key ingredient in SFI's long-term strategy for each of its wood product facilities.

Unfortunately, the cogeneration plants have also made the company more dependent upon a steady supply of timber from the National Forests. There is a simple explanation for that fact. In order to meet our electric power obligations, we need a certain volume of combustible waste material, and we must, therefore, make a minimum amount of lumber virtually every single day. To do that, we must be able to buy an adequate amount of timber from the Sierra and Sequoia National Forests on a regular basis.

With only limited supplies of timber from other sources, SFI's three central California sawmills are -- and will always be -- dependent upon Forest Service timber for more than 90 percent of their raw material requirements. (Additional information about SFI's sawmills is set forth in Attachment 1.)

Timber Resources and Mill Requirements

Together, the Sierra and the Sequoia National Forests contain hundreds of thousands of acres of commercial forestland that are capable of producing large volumes of timber on a long-term sustained-yield basis.

The Sierra National Forest contains over 13.7 billion board feet of softwood timber.[1] Of course, some of these trees are located in areas unsuitable for timber production because they are too steep or inaccessible. However, even after the timber on unsuitable lands is subtracted from the total, the Sierra Forest still has a softwood timber inventory in excess of 8.7 billion board feet.[2]

The draft plan for the Sierra National Forest indicates that the Sierra's "capable, available, and suitable" land base (approximately 394,000 acres) can produce 195 million board feet ("mmbf") of timber each year without depleting the Forest's timber resources. (The Forest Service refers to this figure as this forest's "biological potential." See Attachment 2 for an example.)

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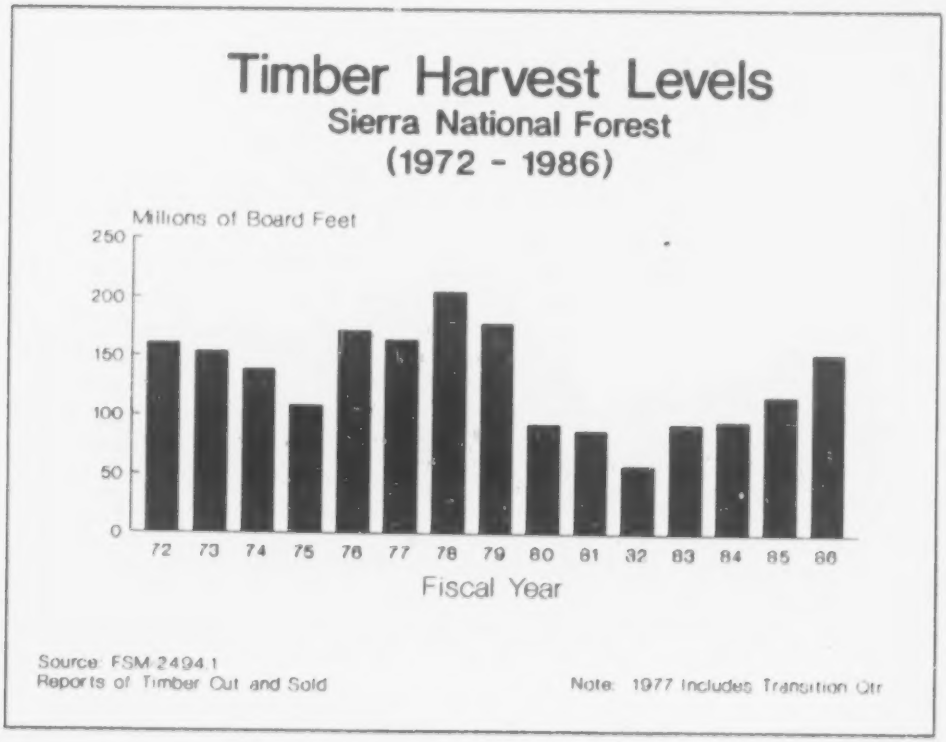
[1] U.S. Department of Agriculture, Forest Service, Proposed Forest Land and Resource Management Plan - Sierra National Forest, Page 6-10 (1986).

[2] Ibid.

However, under the "Preferred Alternative" of the draft Sierra Forest Plan, the Forest Service would sell only 125 mmbf of timber annually from this national forest during the next decade.[3]

To gain perspective, it is useful to compare the "potential" of this forest to produce timber (198 mmbf per year) and the proposed timber sale program for the coming decade (125 mmbf per year) with: (1) historic timber harvest data; and (2) the raw material requirements of the sawmills adjacent to the Sierra National Forest.

Accordingly, the amount of timber harvested on the Sierra Forest each year between 1972 and 1986 is displayed in the graph which follows. The average volume of timber harvested during this 15-year period was 132.0 mmbf.



[3] SFI opposed the Preferred Alternative because it would not make enough timber available in the next ten years to support existing mills.

Statement of Sequoia Forest Industries **May 21, 1987**

The raw material requirements of the sawmills which are dependent upon the Sierra National Forest are set forth in the following table:

Annual Timber Needs of Mills Adjacent to the Sierra National Forest

Owner	Mill Location	Timber Needed (MMBF)
Sequoia Forest Industries	Dinuba (Tulare County)	55
Sequoia Forest Industries	Auberry (Fresno County)	55
Sequoia Forest Industries	North Fork (Madera County)	55
Norby Lumber Company	Madera (Madera County)	22
Other Manufacturers	(various locations)	10
Total Annual Timber Requirements of all Local Sawmills		197
Less: Timber from northern portion of Sequoia N. F.		- 22.5
Timber from other sources (private)		- 17.5
Total Sierra N.F. Timber Needed by Local Mills		157

The resource situation on the Sequoia National Forest is very similar. The Sequoia Forest has a standing softwood inventory of 8.1 billion board feet on 420,000 acres of land tentatively identified as "capable, available, and suitable" for timber management.[4] The draft plan for this forest indicates that the "biological potential" for growing timber on these 420,000 acres is approximately 198 mmbf per year.[5]

However, the "Preferred Alternative" in the draft Sequoia Forest Plan calls for timber management on only 300,000 acres of the timberland base. Thus, the "Allowable Timber Sale Quantity" under this alternative is only 103 mmbf per year.

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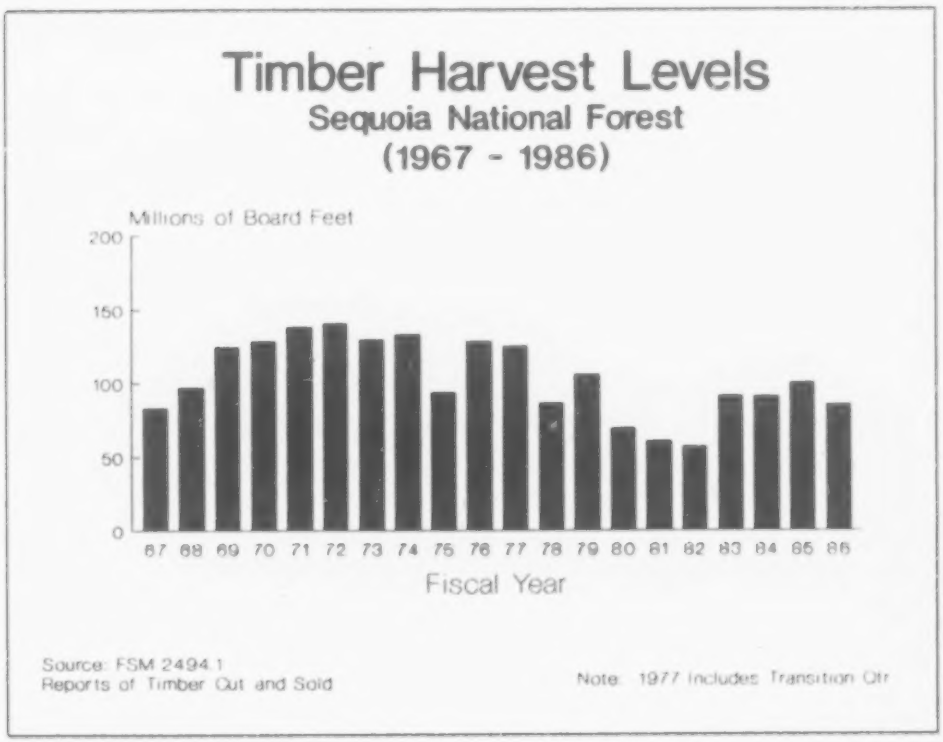
[4] U.S. Department of Agriculture, Forest Service, Draft National Forest Land and Resource Management Plan - Sequoia National Forest, Page 3-41, (1985).

[5] U.S. Department of Agriculture, Forest Service, Draft Environmental Impact Statement, Draft National Forest Land and Resource Management Plan - Sequoia National Forest, Page 2-7, (1985).

Again, it is useful to compare the "potential" of this forest to produce sawtimber (198 mmbf per year) and the proposed timber program sale program (103 mmbf) with: (1) historical timber harvest data, and (2) the raw material requirements of the sawmills adjacent to the Sequoia National Forest.

The amount of timber harvested from the Sequoia National Forest during each of the last twenty years is shown in the graph which follows. The average volume of timber harvested during this period was 103.1 mmbf.



There are three major sawmills which are dependent upon the Sequoia National Forest for timber: the SFI mill in Dinuba, the mill owned by Sierra Forest Products at Terra Bella, and the Lousiana-Pacific mill at Inyokern. The raw material requirements of these mills are shown in the table on the next page.

Annual Timber Needs of Mills Adjacent to the Sequoia National Forest

Owner	Mill Location	Timber Needed (MMBF)
Sequoia Forest Industries	Dinuba (Tulare County)	55
Sierra Forest Products	Terra Bella (Tulare County)	55
Louisiana-Pacific Corp.	Inyokern (Kern County)	35
Total Annual Timber Requirements of Local Sawmills		145
Less: Timber from Sierra National Forest		- 32.5
Timber from other sources (private, state, etc.)		- 2.5
Total Sequoia N.F. Timber Needed by Local Mills		110

The Timber Supply Situation is Discouraging

Mr. Chairman, there is an important reason why I have provided you with all this background information. We believe that the following conclusions can be drawn from this data:

1. Viewed separately or together, the Sierra and Sequoia National Forests contain stands of softwood timber of truly immense proportions.

2. Under previous management plans, enough Forest Service timber was sold annually to encourage the private sector to construct and up-grade seven major sawmills in the southern Sierra Mountains.

3. While preparing the new land and resource management plans for the Sierra and Sequoia National Forests, the Forest Service identified areas within each forest "capable, available, and suitable" for timber management. If managed intensively for timber production -- as could be done without imparing the long-term productivity of the forest -- these lands would produce more than enough sawlogs to meet the raw material needs of the seven existing sawmills. (Again, see Attachment No. 2)

4. Unfortunately, the Forest Service has selected management alternatives that utilize only 50 to 75 percent of available timber from the "capable, available, and suitable" lands. As a consequence, neither the draft plan for the Sierra National Forest nor the draft plan for the Sequoia National Forest will provide enough timber to meet the current needs of local mills dependent on these forests.

Given this situation, it is not surprising that Sequoia Forest Industries and the other companies which operate in this part of California are concerned about their "timber base." The wood products industry in California has been, and will remain, an active participant in the federal forest planning process. Furthermore, we will resist any and all proposals that would upset the careful balance of uses which has been worked out over many decades for the Sierra and Sequoia National Forests.

Problems, Problems, Problems

Mr. Chairman, if you would bear with me, I need to paint a few more background strokes in order to give you a complete picture of the current timber supply outlook in central California.

As mentioned earlier, SFI and other lumber companies have participated actively in the public discussion about the long-range forest plans now under development pursuant to the National Forest Management Act of 1976. While immersed in this long-term debate, we did not pay sufficient attention to three other issues which have come together in an unfortunate way to produce an alarming short-term timber problem.

The first issue concerns the amount of money appropriated for national forest timber sales in California during the past two or three years. Instead of simply appropriating a certain sum of money for a national timber sale program of a specific level, Congress has begun to dictate how these funds will be allocated among the various Forest Service regions. Normally, we would not be concerned about this situation. However, Oregon, Washington, and Idaho have received more than their fare share of money and California (and other states) have received less than a fair amount. We are working with members of the Appropriations Committees to eliminate this inequity, and we have reason to optimistic that we shall succeed. Unfortunately, our short-term timber supply problem is compounded by two other issues over which we have no control.

The second issue relates to the moratorium which has been placed on the use of herbicides on the national forests in California. Herbicides are a very important management tool in the southern Sierra Mountains. (Herbicides are used primarily to kill certain species of brush which would otherwise crowd-out young tree seedlings in areas where timber has been harvested.) It is Forest Service policy in California to cut timber only in areas which can be "adequately restocked" with trees within five years, and without the use of herbicides, approximately 20 percent of the planned timber sales in our area of operations cannot meet that policy requirement.

Although a final decision on the herbicide moratorium is expected in June, it is likely that this decision (no matter which way it goes) will be subjected to further appeals and litigation. Therefore, we expect to be forced to operate without herbicides for at least another three to four years.

The table which follows shows the planned timber sale program for the Sierra and Sequoia National Forests for the next five fiscal years.

Planned Timber Sales and Anticipated Timber Shortfalls (MMBF)

Year	Sierra Sales	Shortfall*	Sequoia Sales	Shortfall*
F.Y. 1988	102.0	- 55.0	67.4	- 42.6
F.Y. 1989	104.2	- 52.8	83.7	- 26.3
F.Y. 1990	106.8	- 50.2	81.2	- 28.8
3-yr. average	**104.3**	**- 52.7**	**77.4**	**- 32.6**
F.Y. 1991	115.4	- 41.6	94.6	- 15.4
F.Y. 1992	126.0	- 31.0	93.6	- 16.4
5-yr. average	**110.9**	**- 46.1**	**84.1**	**- 25.9**

*These shortfall estimates assume that the timber needed by mills adjacent to the Sierra N.F. = 157.0 mmbf and the timber needed by mills adjacent to the Sequoia N.F. = 110.0 mmbf. The estimates do not, however, account for any salvage sales which may be sold in those years. Although salvage volume is difficult to predict accurately, an estimate of 10 mmbf per year for each forest would be reasonable. Thus, even if salvage is included within the estimate, major shortfalls are likely to occur.

The third issue of concern is that every single timber sale offered on the Sequoia Forest during the present fiscal year has been appealed by either local chapters of the Sierra Club or the Kern Valley Wildlife Association. The Forest Service is in a vulnerable position because they are behind schedule in releasing the environmental assessments which accompany each sale. The environmentalists are exploiting this vulnerability in an attempt to bring the Sequoia Forest's timber program to a standstill and force one or more of the local mills to close.

Mr. Chairman, we consider this situation to be very serious. Since the beginning of the fiscal year, the Forest Service has had to cancel three sales with a total timber volume of 13.4 mmbf, and it will be several months before we know just how much timber from the F. Y. 1987 program can be harvested.

Kings River Compromise: Problem or Opportunity?

I am reminded of the old saying that, "you aren't paranoid if everyone really is out to get you." Given the timber supply problems facing companies such as SFI, you can imagine the response of our managers when they learned that the Kings River compromise worked out by Representatives Lehman and Pashayan would have negative timber implications. Because I am an eternal optimist, I persuaded them to look for some diamonds in what seemed at first glance to be another large pile of carbon-black.

While studying the map of the Kings River Special Management Area ("SMA") proposed under Section 2 of H. R. 799, we discovered that almost all of the merchantable timber in the SMA is located near the boundaries of the area. That is not surprising, since most of the SMA is comprised of the very steep canyon of the Kings River.

According to information we have obtained from the Forest Service, the best stands of timber are located at the top of the canyon, above the "breaks" of the river. These stands are on relatively flat ground in the vicinity of Garlic Meadows, Converse Mountain, and McKenzie Ridge. As best we can determine, careful timber harvests in these areas would not detract from the purposes of the SMA. However, because of the stringent restrictions placed on timber cutting within the SMA by the final sentence of Section 2 (c), we recommend that these three small areas be left outside the boundaries of the SMA. (The map in Attachment 3 shows our proposed boundary adjustments.)

The Forest Service estimates that there is currently about 60 mmbf of standing timber in these areas which has been included within the "capable, available, and suitable" land base under the proposed forest plans. Compared to the total inventory of these forests, this is not a large volume of timber. However, given the limited nature of the timber base to begin with, and the reluctance of the Forest Service to manage this timberland near its long-term, sustained-yield rate, we believe that the timber in these areas should remain available for eventual harvest and regeneration.

Mr. Chairman, in addition to these minor boundary modifications, we would like to see approximately eight to ten million board feet of fire-damaged timber within the SMA (west of Garlic Spur) be made immediately available for sale. This timber was killed by the devastating Deer Fire which swept through the area last summer. The timber management officer on the Sierra National Forest advises us that the timber in question is Poderosa Pine ranging between 32 and 48 inches in diameter. This is high-value timber which can bring a good return to the government. If the timber is not harvested promptly, it will deteriorate further, posing fire and insect hazards for adjacent trees.

The Forest Service advises us that the proposed salvage sale in this area would needed to be logged using helicopters. While helicopter logging is an expensive process, we have been in touch with the principal helicopter logging company on the West Coast and they advise us that the timber could,

in fact, be harvested economically. Given the timber shortfalls which we anticipate, this timber should be logged before it has deteriorated beyond recovery. That means that the timber should be harvested within the next ten to twelve months.

Since this salvage sale would be accomplished without the construction of any additional roads (and because this timber was not included within the Sierra Forest's timber base), we recommend that the area of the sale be left within the Kings River SMA. While we believe that the language contained in Section 2 (c) would permit such a sale, we would like to see the language clarified so that there is no doubt that the timber could be sold within the year.

Parting Comments

Mr. Chairman, Sequoia Forest Industries has only recently become interested in the fate of H. R. 799. Until the evening when Representatives Lehman and Pashayan reached their compromise agreement, we thought this legislation was strictly a deserving proposal to protect one of America's truly great wild and scenic rivers. As a consequence, SFI did not testify at the House-side hearing and we did not approach any of our elected representatives to make our views known.

However, since we learned that the proposed Kings River SMA did include some merchantable timber, we have been in close touch with both Representatives Lehman and Pashayan and Senators Cranston and Wilson. While all of these people have listened patiently to our concerns, we have heard a constant refrain that, "the compromise is fragile, and the bill should be approved by the Senate without amendment." We disagree. We think that the compromise embodied in H. R. 799 should be viewed as a starting point (or more appropriately a middle point) for Senate consideration of the legislation.

We do not believe that our recommended changes would alter substantially the basic compromise which was so skillfully hammered out by Mr. Lehman and Mr. Pashayan. Protection of the Kings River is clearly in the national interest. However, in our opinion, the river can be protected adequately without affecting the long-term timber base of these national forests. In fact, our recommendation with respect to the Deer Fire salvage sale would result in a short-term increase in available timber.

Mr. Chairman, the choice before you is clear With minor changes to H. R. 799 we can endorse the bill, and everyone will "feel like a winner." We respectfully urge this Committee to accept our recommendations.

74-862 O - 87 - 4

Statement of Sequoia Forest Industries Attachment No. 1

Sequoia Forest Industries at Auberry - Sawmill and Cogeneration	
Number of Employees	110
Annual Payroll (1986 est.)	$3,000,000
Indirect Employment	115
Total Contribution to Local Economy	$24,000,000 (est.)
25% Funds to Local Counties	$900,000
Wood Products Manufactured	lumber
Lumber Production (1986 est.)	70 MMBF
Power Output from Cogeneration	9.5 Megawatts
Annual Timber Needs	55 MMBF (log scale)
Percent Dependent upon Sierra N.F.	90%

Sequoia Forest Industries at Dinuba - Sawmill and Cogeneration	
Number of Employees	354
Annual Payroll (1986 est.)	$8,100,000
Indirect Employment	110
Total Contribution to Local Economy	$39,000,000 (est.)
25% Funds to Local Counties	$900,000
Wood Products Manufactured	lumber, bark mulch, pallets, moulding
Lumber Production (1986 est.)	70 MMBF
Power Output from Cogeneration	12.5 Megawatts
Annual Timber Needs	55 MMBF (log scale)
Percent Dependent upon Sierra N.F.	90%

Sequoia Forest Industries at North Fork - Sawmill	
Number of Employees	125
Annual Payroll (1986 est.)	$3,200,000
Indirect Employment	120
Total Contribution to Local Economy	$24,500,000 (est.)
25% Funds to Local Counties	$900,000
Wood Products Manufactured	lumber
Lumber Production (1986 est.)	70 MMBF
Proposed Cogeneration Output	9.5 Megawatts
Annual Timber Needs	55 MMBF (log scale)
Percent Dependent upon Sierra N.F.	93%

Statement of Sequoia Forest Industries Attachment No. 2

Example of Process Used to Calculate Timber Base and Biological Potential

Resource Inventory and Timber Benchmark

During the forest planning process, Sierra Forest officials prepared an inventory of the resources within their jurisdiction. That assessment showed that the Forest contains over half a million acres of prime timber growing land and nearly nine billion board feet of merchantable softwood sawtimber.

From this inventory data, the Forest Service calculated a timber "benchmark," which represents the maximum volume of timber which could be produced from the Sierra Forest on a long-term sustained-yield basis. A two-step procedure was used to calculate the benchmark:

The first step involved identifying those portions of the Sierra Forest:

- **capable** of producing timber in commercial quantities (areas where timber is grown easily and rapidly);

- **available** for timber management (i.e. not in restrictive classifications such as wilderness); and

- **suitable** for timber management activities (considering such factors as the economic and environmental effects of harvesting timber on these lands).

In the second step, an estimate was made of the maximum amount of timber which could be harvested each year from the areas deemed "capable, available, and suitable" for timber production assuming that:

- all minimum legal and regulatory standards would be met;

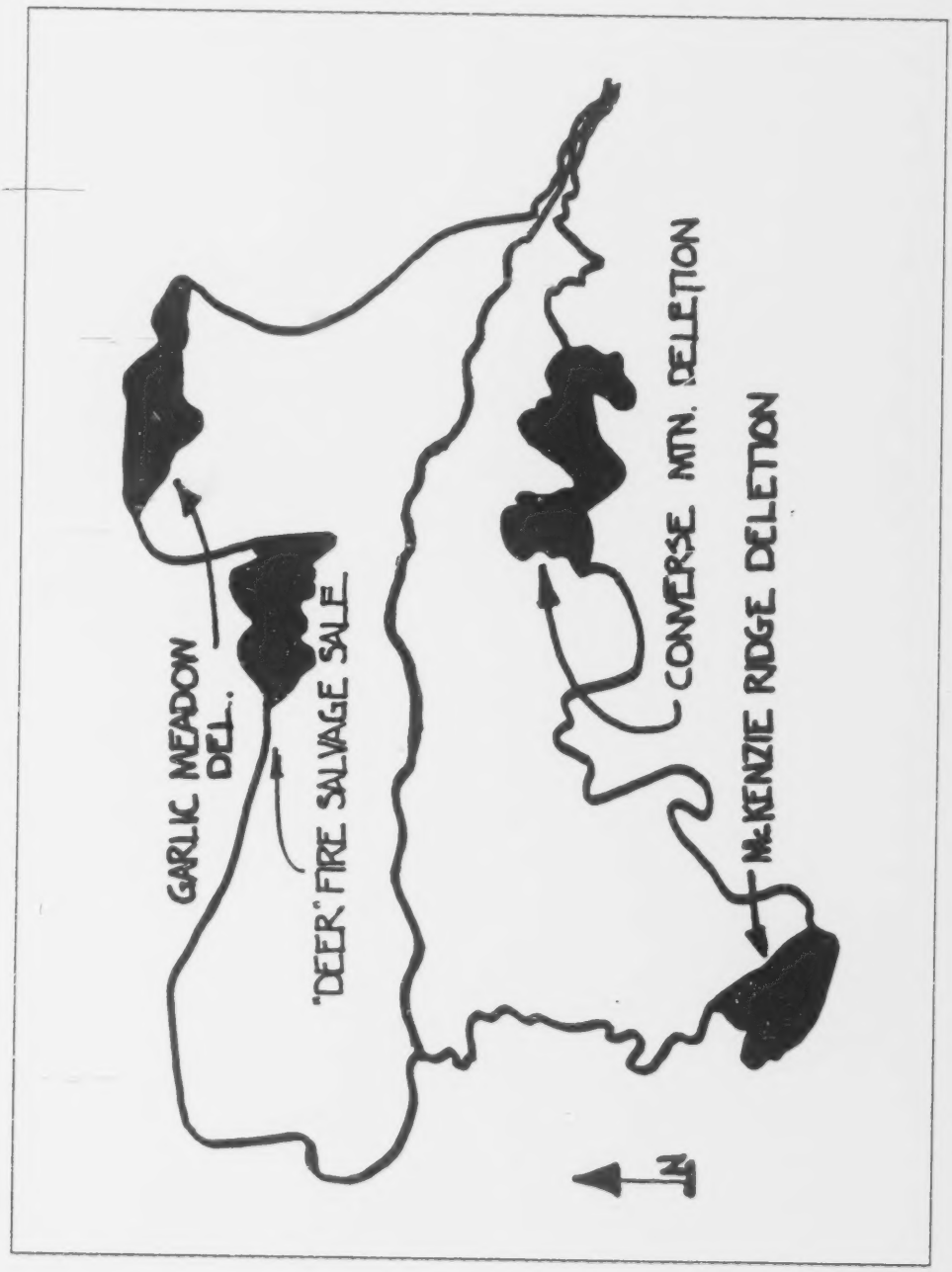
- soil and water productivity would not be impaired; and

- the ability of the Forest to produce a sustained-yield of timber over an indefinite period of time would not be affected.

Under these assumptions, it was determined that approximately 195 million board feet of timber could be annually harvested from the Sierra National Forest without depleting the Forest's timber resources. [The Forest Service refers to this estimate as the Sierra National Forest's "biological potential" to produce timber.]

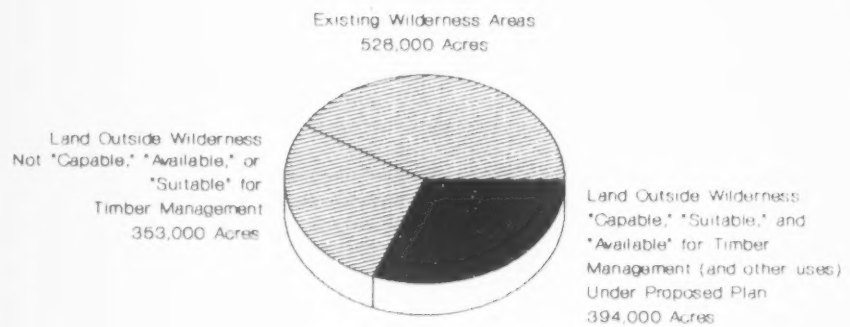
Statement of Sequoia Forest Industries

Attachment No. 3



Statement of Sequoia Forest Industries Attachment No. 4

Shrinking Timberland Base of the Sierra National Forest



Source: Draft Sierra Forest Plan

Senator BUMPERS. He did that all in one week?
Mr. HUTCHISON. Yes, all in one week.
Senator BUMPERS. Thank you for your statement.
Mr. Howard.

STATEMENT OF JAMES L. HOWARD, ASSISTANT MANAGER, KINGS RIVER CONSERVATION DISTRICT

Mr. HOWARD. Thank you, Mr. Chairman.

I appreciate the opportunity to express my views on behalf of the Kings River Conservation District here today.

My name is James L. Howard, and I am the Assistant Manager of the Kings River Conservation District, that district including over 1 million acres in Fresno, Kings, and Tulare counties in the southern San Joaquin Valley of California.

The District's interest in this legislation, which would designate the entire Middle and South Forks of the Kings River and a major portion of the Main Stem as part of the Wild and Scenic River system results from its responsibilities under California law, and I would like to quote briefly from the District's Organic Act, which says that the District is to provide "for the acquisition, construction, maintenance, and operation of works and property for the purposes of the District, including the storage, conservation, distribution and sale of water, the development, distribution and sale of electric power and the drainage, reclamation and protection of land."

These are critically important responsibilities in a region, like the southern San Joaquin Valley, which would suffer perpetual drought conditions were it not for storage reservoirs which capture and conserve the seasonal runoff supplied by nature.

The District and its board of directors has taken its statutory role seriously, and since its formation in 1951, has planned for the conservation and development of the waters of the Kings River Basin for beneficial public uses.

The District's "Master Plan Study for Kings River Service Area," which was completed in December, 1974, set forth a plan for the staged multipurpose development of waters of the Kings River Basin.

The principal objectives of that study of the Kings River watershed and service area were to develop a plan to first provide a balanced water supply, second, to minimize flood damages, and third, to serve and develop water and power resources.

Pursuant to that plan, the District completed construction and is operating the Pine Flat power plant at the Corps of Engineers' Pine Flat Dam. It next proceeded with the development of the Federal Energy Regulatory Commission licensing of the Kinkey Creek hydroelectric project. Unfortunately, that multipurpose water project had to be cancelled as construction was ready to commence when a temporary cycle of low alternative energy costs resulted in the power purchaser electing not to proceed on terms satisfactory to the District.

However, a water deficiency continues to exist in the southern San Joaquin Valley and particularly within the Kings River service area.

Agriculture, which, as you know, is far and away the area's leading economic activity, is presently maintained by conjunctive use of the surface and ground water supplies. However, due to insufficient storage capacity to capture and conserve our available supplies, a severe groundwater overdraft currently exists. The accumulated groundwater overdraft in the southern San Joaquin Valley is 1.5 million acre-feet; 450,000 of that is within the Kings River service area.

Sufficient storage is also necessary to protect against flood damages, which can occur on the Kings River.

The need for additional storage was particularly evident during the 1986 water year, when 686,000 acre-feet of flood released water was lost for use within the Kings River service area and contributed to flood damages along the Kings and San Joaquin Rivers.

The District's statutory responsibilities to meet the challenges posed by Mother Nature make it reluctant to embrace legislation which would take away its very ability to do so.

When hearings on H.R. 799 were held in the House of Representatives, the District opposed inclusion of the Main Stem of the Kings River in the Wild and Scenic River system because it would eliminate the possibility of developing the Rodgers Crossing Project, which the District believes would offer a significant contribution to the water supply problems of the Kings River service area.

The District has been studying the feasibility of the Rodgers Crossing Project and does not believe it will be prudent to legislate it away without allowing future consideration of its potential public benefits.

A compromise was subsequently reached in the House between those favoring and those opposing designation of the river segment which would be affected by construction of the Rodgers Crossing Project.

The compromise is set forth in the provisions of Section 2(h) of H.R. 799.

That section, while not designating the segment as a component of the Wild and Scenic Rivers System, nevertheless protects the river from any development unless Congress should later expressly allow it.

In the meantime, the District is not precluded from conducting studies of the Rodgers Crossing Project, as it may deem appropriate.

The District supports the compromise reflected by H.R. 799, as it was amended in the House of Representatives, but does oppose the provisions of Senate Bill 805, which would designate the relevant stretch of the river as part of the Wild and Scenic Rivers System.

It is our ultimate hope that the development of the water and hydroelectric resources offered by the Rodgers Crossing Project will not be legislatively foreclosed to the use of future generations.

In closing, I would like to say that the district appreciates the support that it has received from our Senators, Cranston and Wilson, on H.R. 799. However, we recognize that the Senate and its committees have the prerogative of acting on this measure. In consideration of this, we would respectfully request that whatever action is taken on this bill, that the recognition of the historic com-

promise that was reached by the good faith of all those involved be considered in its action.

[The prepared statement of Mr. Howard follows:]

TESTIMONY OF JAMES L. HOWARD,
ASSISTANT MANAGER,
KINGS RIVER CONSERVATION DISTRICT,
BEFORE THE
SUBCOMMITTEE ON PUBLIC LANDS, NATIONAL PARKS
AND FORESTS,
SENATE ENERGY AND NATURAL RESOURCES COMMITTEE,
HONORABLE DALE L. BUMPERS, CHAIRMAN
AT HEARINGS ON H.R. 799

MAY 21, 1987

MR. CHAIRMAN AND MEMBERS OF THE SUBCOMMITTEE, MY NAME IS JAMES L. HOWARD AND I AM ASSISTANT MANAGER OF THE KINGS RIVER CONSERVATION DISTRICT WHICH INCLUDES OVER ONE MILLION ACRES IN FRESNO, KINGS AND TULARE COUNTIES IN THE SOUTHERN SAN JOAQUIN VALLEY OF CALIFORNIA.

THE DISTRICT'S INTEREST IN THIS LEGISLATION, WHICH WOULD DESIGNATE THE ENTIRE MIDDLE AND SOUTH FORKS OF THE KINGS RIVER AND A MAJOR PORTION OF THE MAIN STEM, AS PART OF THE WILD AND SCENIC RIVERS SYSTEM, RESULTS FROM ITS RESPONSIBILITIES UNDER CALIFORNIA LAW TO PROVIDE:

> FOR THE ACQUISITION, CONSTRUCTION, MAINTENANCE, AND OPERATION OF WORKS AND PROPERTY FOR THE PURPOSES OF THE DISTRICT, INCLUDING THE STORAGE, CONSERVATION DISTRIBUTION AND SALE OF WATER, THE DEVELOPMENT, DISTRIBUTION AND SALE OF ELECTRIC POWER AND THE DRAINAGE, RECLAMATION AND PROTECTION OF LAND

THESE ARE CRITICALLY IMPORTANT RESPONSIBILITIES IN A REGION WHICH WOULD SUFFER PERPETUAL DROUGHT CONDITIONS WERE IT NOT FOR STORAGE RESERVOIRS WHICH CAPTURE AND CONSERVE THE SEASONAL RUNOFF SUPPLIED BY NATURE.

THE DISTRICT HAS TAKEN ITS STATUTORY ROLE SERIOUSLY AND SINCE ITS FORMATION IN 1951 HAS PLANNED FOR THE CONSERVATION AND DEVELOPMENT OF THE WATERS OF THE KINGS RIVER BASIN FOR BENEFICIAL PUBLIC USES. ITS "MASTER PLAN STUDY FOR KINGS RIVER SERVICE AREA" (DECEMBER 1974) SET FORTH A PLAN FOR THE STAGED MULTIPURPOSE DEVELOPMENT OF WATERS OF THE BASIN. THE PRINCIPAL OBJECTIVES OF THIS STUDY OF THE KINGS RIVER WATERSHED AND SERVICE AREA WERE TO PROVIDE A PLAN FOR:

- PROVIDING A BALANCED WATER SUPPLY,

- MINIMIZING FLOOD DAMAGES, AND

- CONSERVING AND DEVELOPING WATER AND POWER RESOURCES.

PURSUANT TO THE PLAN, THE DISTRICT COMPLETED CONSTRUCTION OF AND IS OPERATING THE PINE FLAT POWER PLANT AT THE CORPS OF ENGINEERS' PINE FLAT DAM. IT NEXT PROCEEDED WITH THE DEVELOPMENT AND FERC LICENSING OF THE DINKEY CREEK HYDROELECTRIC PROJECT. UNFORTUNATELY, THIS MULTIPURPOSE WATER PROJECT HAD TO BE CANCELLED AS CONSTRUCTION WAS READY TO COMMENCE WHEN A TEMPORARY CYCLE OF LOW ALTERNATIVE ENERGY COSTS RESULTED IN THE POWER PURCHASER ELECTING NOT TO PROCEED ON TERMS SATISFACTORY TO THE DISTRICT.

BUT A WATER DEFICIENCY CONTINUES TO EXIST IN THE SOUTHERN SAN JOAQUIN VALLEY AND WITHIN THE KINGS RIVER SERVICE AREA.

AGRICULTURE, WHICH IS FAR AND AWAY THE AREA'S LEADING ECONOMIC ACTIVITY, IS PRESENTLY MAINTAINED BY CONJUNCTIVE USE OF THE SURFACE AND GROUND WATER SUPPLY. HOWEVER, DUE TO INSUFFICIENT STORAGE CAPACITY TO CAPTURE AND CONSERVE OUR AVAILABLE SURFACE SUPPLIES, A SEVERE GROUNDWATER OVERDRAFT CURRENTLY EXISTS. THE ACCUMMULATED GROUNDWATER OVERDRAFT IN THE SOUTHERN SAN JOAQUIN VALLEY IS 1.5 MILLION ACRE-FEET, 450,000 ACRE-FEET OF WHICH IS WITHIN THE KINGS RIVER SERVICE AREA. SUFFICIENT STORAGE IS ALSO NECESSARY TO PROTECT AGAINST FLOOD DAMAGES WHICH CAN OCCUR ON THE KINGS RIVER.

THE NEED FOR ADDITIONAL STORAGE WAS PARTICULARLY EVIDENT DURING THE 1986 WATER YEAR WHEN 686,000 ACRE-FEET OF FLOOD RELEASED WATER WAS LOST FOR USE WITHIN THE KINGS RIVER SERVICE AREA AND CONTRIBUTED TO FLOOD DAMAGES ALONG THE KINGS AND SAN JOAQUIN RIVERS.

THE DISTRICT'S STATUTORY RESPONSIBILITIES TO MEET THE CHALLENGES POSED BY MOTHER NATURE MAKE IT RELUCTANT TO EMBRACE LEGISLATION WHICH WOULD TAKE AWAY ITS VERY ABILITY TO DO SO. WHEN HEARINGS ON H.R. 799 WERE HELD IN THE HOUSE OF REPRESENTATIVES THE DISTRICT OPPOSED INCLUSION OF THE MAIN STEM OF THE KINGS RIVER IN THE WILD AND SCENIC RIVERS SYSTEM BECAUSE IT WOULD ELIMINATE THE POSSIBILITY OF DEVELOPING THE RODGERS CROSSING PROJECT WHICH THE DISTRICT BELIEVES WOULD OFFER A SIGNIFICANT CONTRIBUTION TO THE WATER SUPPLY PROBLEMS OF THE KINGS RIVER SERVICE AREA. THE DISTRICT HAS BEEN STUDYING THE FEASIBILITY OF THE RODGERS CROSSING PROJECT AND DOES NOT BELIEVE

IT WOULD BE PRUDENT TO LEGISLATE IT AWAY WITHOUT ALLOWING FUTURE CONSIDERATION OF ITS POTENTIAL PUBLIC BENEFITS.

A COMPROMISE WAS SUBSEQUENTLY REACHED IN THE HOUSE BETWEEN THOSE FAVORING AND THOSE OPPOSING DESIGNATION OF THE RIVER SEGMENT WHICH WOULD BE AFFECTED BY CONSTRUCTION OF THE RODGERS CROSSING PROJECT. THE COMPROMISE IS SET FORTH IN THE PROVISIONS OF H.R. 799, SECTION 2(H). THAT SECTION, WHILE NOT DESIGNATING THE SEGMENT AS A COMPONENT OF THE WILD AND SCENIC RIVERS SYSTEM, NEVERTHELESS PROTECTS THE RIVER FROM ANY DEVELOPMENT UNLESS CONGRESS SHOULD LATER EXPRESSLY ALLOW IT. IN THE MEANTIME THE DISTRICT IS NOT PRECLUDED FROM CONDUCTING STUDIES OF THE RODGERS CROSSING PROJECT AS IT MAY DEEM APPROPRIATE.

THE DISTRICT SUPPORTS THE COMPROMISE REFLECTED BY H.R. 799 BUT DOES OPPOSE THE PROVISIONS OF S.805 WHICH WOULD DESIGNATE THE RELEVANT RIVER STRETCH AS PART OF THE WILD AND SCENIC RIVERS SYSTEM.

IT IS OUR ULTIMATE HOPE THAT THE DEVELOPMENT OF THE WATER AND HYDROELECTRIC RESOURCES OFFERED BY THE RODGERS CROSSING PROJECT WILL NOT BE LEGISLATIVELY FORECLOSED TO THE USE OF FUTURE GENERATIONS.

Senator BUMPERS. Thank you, Mr. Howard.

Ms. Delaney, is it your plan to read the statement that was going to be presented by Mr. Rey?

Ms. DELANEY. I have a summary of his statement.

Senator BUMPERS. I would appreciate that. It is a rather lengthy statement, and I want to try to finish this before the next vote, this afternoon. We have one more panel to go.

So if you can summarize, I would appreciate it very much.

STATEMENT OF MARK REY, VICE PRESIDENT, PUBLIC TIMBER COUNCIL, AND VICE PRESIDENT, PUBLIC FORESTRY PROGRAMS, NATIONAL FOREST PRODUCTS ASSOCIATION, AS PRESENTED BY ANNE E. DELANEY, FEDERAL FOREST PLANNER, NATIONAL FOREST PRODUCTS ASSOCIATION

Ms. DELANEY. Yes, I would be happy to.

I am Anne Delaney, Federal Forest Planner for the National Forest Products Association. I am also appearing today on behalf of the Western Timber Association, headquartered in Sacramento.

Wild and Scenic River status for the Kings River is not a new proposal. The draft land management plans prepared under the provisions of the National Forest Management Act of 1976 for the Sequoia and the Sierra National Forests proposed Wild and Scenic or Study Status for the segments of the river flowing through national forest lands.

In commenting on those draft plans, the industry did not oppose designation of the Kings River under the provisions of the National Wild and Scenic Rivers Act of 1968 and in accordance with the NFMA plans prepared by the forests. However, we have three major concerns with H.R. 799.

First, Section 2(a) of the bill would modify the boundaries of the Sierra and Sequoia National Forests. In changing these boundaries, the bill would take land from what is now the Sequoia National Forest and transfer it to the jurisdiction of the Sierra National Forest.

Unfortunately, these revised boundaries would not follow geographical features or take into consideration the existing management facilities that serve each forest.

As a consequence, in order to manage their newly-inherited land, employees of the Sierra National Forest would have to drive two and one-half hours from the closest district office on the Sierra Forest to cross the river and reach their new holdings.

By revising the boundaries, the bill would impose additional management costs beyond those currently necessary to manage the two national forests in question.

This revision in forest boundaries would also likely require the two forests to revise significant portions of their land management plans prepared under the National Forest Management Act.

Specifically, the forests would likely have to recalculate their suitable land base, as well as possibly reevaluate some of their land management activities in nearby or surrounding areas to accommodate the boundary change.

Quite apart from the substantive impact on allowable timber harvest levels or the possible restriction of other activities, such

changes will inevitably delay the completion of final National Forest Management Act plans.

Second, in order to escape the standardy boundary provisions specified in 16 U.S C. Section 1274(B) for segments of the Wild and Scenic River System, Section 2(a) of H.R. 799 creates a special management area of over 48,000 acres, which the Secretary of Agriculture is to manage as a separate unit of the Sierra National Forest.

NFPA and WTA oppose the creation of this special management designation because it would: (1) serve to confuse and perhaps conflict with existing management authorities already in place under the National Wild and Scenic Rivers Act of 1968 and the National Forest Management Act of 1976; and (2) unnecessarily restrict timber harvest activities in a fashion that is not justified based on the record supporting passage of this legislation.

The Forest Service has already reflected the purposes of the National Wild and Scenic Rivers Act by developing standards for the management of the Wild and Scenic Rivers within its jurisdiction. These are codified at 36 CFR Section 297, as well as in joint guidelines developed with the Department of the Interior for the management of river areas.

Specifically, Section 3 of the later guidelines requires that "timber harvest in any river area will be conducted so as to avoid adverse impacts on the river area values."

Moreover, the purposes of this section of H.R. 799 are already being more specifically met through the land management planning process conducted under NFMA. Indeed, the draft plan for the Sequoia National Forest designates a large portion of the special management area as protected for dispersed recreation purposes.

Similarly, almost all of the land in the special management area that is within the Sierra National Forest is scheduled for wildlife management activities with the protection of watershed values listed as a preeminent concern.

There is nothing in the hearing record or supporting documents accompanying H.R. 799 that establishes that the draft land management plans for both the Sierra and the Sequoia National Forests fall short of providing adequate protection for the visual, archeological, or fish and wildlife resources prevalent in the area that H.R. 799 would designate as a special management area.

Finally, we are concerned that the special management area does include lands which, after the extensive resource evaluation conducted under the National Forest Planning Process, were determined to be suitable for timber production.

These areas contain some stands of valuable softwood saw timber and are not immediately adjacent to the river segment in question.

If the final bill contains a special management area designation, we believe that the language of the bill or its accompanying report should clearly specify that the existing burnt timber in the Deer Fire Burn Area be salvaged by helicopter logging. In addition, we believe that the valuable timber stands in the Converse Basin Area and the McKenzie Ridge areas on the Sequoia National Forest, and the Garlic Meadows area on the Sierra National Forest should be removed from the special management area.

This concludes my statement.

We appreciate the opportunity to testify and we would be happy to work with the subcommittee as it reviews this legislative proposal.

Thank you.

[The prepared statement of Mr. Rey follows:]

STATEMENT FOR THE RECORD

OF

MARK REY

ON BEHALF OF

THE WESTERN TIMBER ASSOCIATION

AND THE

NATIONAL FOREST PRODUCTS ASSOCIATION

BEFORE THE

SUBCOMMITTEE ON PUBLIC LANDS
COMMITTEE ON ENERGY AND NATURAL RESOURCES

OF THE

UNITED STATES SENATE

MAY 21, 1987

I. Introduction

Good afternoon. My name is Mark Rey. I am Vice President of Public Forestry Programs for the National Forest Products Association. I am also appearing today on behalf of the Western Timber Association headquartered in Sacramento, California.

The National Forest Products Association is a national industry trade association that represents the interests and views of owners and managers of forest lands, manufacturers of forest products, and affiliated regional and product associations. The NFPA membership includes over 750 direct and associated company members, and over 65 associations and allied members. Some of NFPA's members are partially or wholly dependent on the Sequoia and the Sierra National Forests as a source of raw material for their mills.

The Western Timber Association represents timber purchasers and manufacturers who are dependent upon the national forests in Forest Service Region 5 (California) for their raw material supply. WTA lumber and plywood mills in California process enough federal timber annually to build more than 190,000 homes. Several of WTA's members are also affected by the legislative proposal before the Subcommittee.

Wild and Scenic River status for the Kings River is not a new proposal. The draft land management plans prepared under the provisions of the National Forest Management Act of 1976 for the Sequoia and the Sierra National Forests proposed wild and scenic or study status for the segments of the river flowing through national forest lands. In commenting on these draft plans, the industry did not oppose designation of the Kings River under the provisions of the National Wild and Scenic Rivers Act of 1968, and in accordance with the NFMA plans prepared by the forests. However, we have three major concerns with the bill as passed by

the House Interior and Insular Affairs Committee. Below, I elaborate on each of these concerns.

II. The proposal to modify the boundaries between the Sequoia and the Sierra National Forests will: (1) hamper efficient land management; (2) delay the completion of the national forest planning process; and (3) potentially jeopardize timber sales throughout the Sequoia National Forest during the period required to complete the revised land management plan.

Section 2(a) of H.R. 799 would modify the boundaries of the Sierra and Sequoia National Forests to create a special management area described in more detail below. In changing these boundaries, the bill would take land from what is now the Sequoia National Forest and transfer it to the jurisdiction of the Sierra National Forest.

Unfortunately, these revised boundaries would not follow geographical features or take into consideration the existing management facilities that serve each forest. As a consequence, in order to manage their newly-inherited land, employees of the Sierra National Forest would have to drive two and one half hours from the closest District Office on the Sierra Forest to cross the river and reach their new holdings. By revising the boundaries, the bill would impose additional management costs beyond those currently necessary to manage the two national forests in question.

In addition, the revised boundaries would also require an adjustment of the pro-rata share of county receipts. County receipts are based upon the portion of a given national forest that is occupied by each county. As a consequence, by changing forest boundaries that proportion changes for the involved counties. Some counties would gain in receipts while others would lose a corresponding portion of their receipt payments. There is nothing in the hearing record from the House's

consideration of this bill to indicate that the House Subcommittee was cognizant of this change and its potential impact on affected county school and road systems.

Third, this revision in forest boundaries would likely require the two forests to revise significant portions of their land management plans prepared under the provisions of the National Forest Management Act of 1976 (NFMA). Specifically, the forests would likely have to recalculate their suitable land base, as well as possibly reevaluate some of their land management activities in nearby or surrounding areas to accommodate the boundary change. Quite apart from the substantive impact on allowable timber harvest levels or the possible restriction of other activities, such changes will inevitably delay the completion of final NFMA plans for each of the forests.

While disadvantageous in both cases, such a delay is particularly problematic on the Sequoia National Forest. Last week, the Sierra Club filed a memorandum in the United States District Court for the Eastern District of California requesting a temporary restraining order against certain timber sales on the Sequoia National Forest. One of the allegations plaintiffs made against continuing these timber sales involves an assertion that the Forest Service has not adequately complied with the requirements of the National Environmental Policy Act concerning a programmatic environmental impact statement dealing with timber harvesting on the Forest.

The Forest Service draft land management plan under NFMA is accompanied by a programmatic environmental impact statement that is designed to address many of the concerns associated with the Sierra Club action. Substantial delay in the issuance of that final environmental impact statement will likely not affect this Court action. However, we are concerned that such delays could

encourage other Courts to enjoin timber sale activities during the period prior to the plan's release. Therefore, in order to be responsive to the environmental concerns raised in the Sierra Club suit, the Forest Service should attempt to expedite completion of both the draft land management plan as well as its accompanying environmental impact statement. The inevitable delay associated with the boundary change proposed in H.R. 799 will confound the Agency's attempt to meet this challenge.

III. Section 2(a) of the bill creates a new land management designation which is both repetitive of, and disruptive to, existing land management authorities.

In order to escape the boundary requirement specified in 16 U.S.C. § 1274(b) for segments of the Wild and Scenic River system, Section 2(a) of H.R. 799 creates a "special management area" of over 48,000 acres which the Secretary of Agriculture is to manage as a "separate unit of the Sierra National Forest." This area is to be managed to "provide for public outdoor recreation use and enjoyment of the special management area, protect the area's natural, archeological, and scenic resources and provide for appropriate fish and wildlife management within the area." Section 2(c) of the bill would prohibit the cutting of timber within the special management area, except in those cases where such timber harvesting "is required in order to control the attacks of fire, insects, or disease, or to otherwise conserve the scenery or the natural or historic objects in the area."

NFPA and WTA oppose the creation of this "special management" designation because it would: (1) serve to confuse and perhaps conflict with existing management authorities already in place under the National Wild and Scenic Rivers Act of 1968 and the National Forest Management Act of 1976; and (2) unnecessarily restrict timber harvest activities in a fashion

that is not justified based on the record supporting passage of this legislation.

As a general matter, Section 2 of H.R. 799 would create special boundary determinations and a special management area apparently unique in all of the National Wild and Scenic River System. This would be done without adequate explanation as to why this additional legislated designation is necessary. There is nothing in the Committee Report accompanying H.R. 799 which suggests the necessity -- based on the inadequacy of present law or regulations -- to create additional land management designations.

With respect to the implementation of the Wild and Scenic Rivers Act, the statute makes it clear at 16 U.S.C. § 1283(a) that the Secretary of Agriculture shall take any necessary actions respecting agency management policies, regulations, contracts, or plans as may be necessary to protect rivers in accordance with the purpose of the Act. This section of the statute requires that "particular attention shall be given to scheduled timber harvesting, road construction, and similar activities which might be contrary to the purposes of this chapter."

The Forest Service has reflected the purposes of this portion of the Act by developing guidelines and standards for the management of wild and scenic rivers within its jurisdiction. These guidelines and standards are codified at 36 CFR § 297, as well as in joint guidelines developed with the Department of the Interior for the management of river areas (47 Fed. Reg. 39454). Specifically, Section III of the latter guidelines requires that "[t]imber harvest in any river area will be conducted so as to avoid adverse impacts on the river area values." (47 Fed. Reg. 39459.)

Moreover, the purposes of this section of H.R. 799 are already being more specifically met through the land management planning process conducted under the National Forest Management Act of 1976. Indeed, the draft plan for the Sequoia National Forest designates a large portion of the special management area as protected for dispersed recreation purposes. Similarly, almost all of the land in the special management area that is within the Sierra National Forest is scheduled for wildlife management activities with the protection of watershed values listed as a preeminent concern.

These designations flow from the regulations at 36 CFR § 219 which govern the development of NFMA land management plans. Specifically, Section 219.19 requires that all land management plans certify that, "fish and wildlife habitat shall be managed to maintain viable populations of existing native and desired non-native vertebrate species in the planning area." With regard to visual resource protection, Section 219.21(f) requires that "the visual resource shall be inventoried and evaluated as an integrated part of evaluating alternatives in the forest planning process, addressing both the landscape's visual attractiveness and the public's visual expectation." Finally, with regard to archeological and cultural resources in the management area, Section 219.24 requires that "forest planning shall provide for the identification, protection, interpretation, and management of significant cultural resources on national forest system lands."

There is nothing in the hearing record or supporting documents accompanying H.R. 799 that establishes that the draft land management plans already in existence for both the Sierra and the Sequoia National Forests fall short of providing adequate protection for the visual, archeological, or fish and wildlife resources prevalent in the area that H.R. 799 would designate as a special management area. Therefore, NFPA and WTA can see no

good purpose served by requiring the Forest Service to develop yet another management plan for this area which duplicates ongoing efforts and increases Agency costs.

Moreover, we are concerned that one section of the special management area to be taken from the Sequoia National Forest does include lands which -- after the extensive resource evaluation conducted under the national forest planning process -- were determined to be suitable for timber production. This area contains some stands of valuable softwood sawtimber, and is not immediately adjacent to the river segment in question. It would undoubtedly not be removed from timber production under the current standards employed under the Wild and Scenic River Act, the accompanying Forest Service/USDI Guidelines, or the NFMA and its accompanying regulations. H.R. 799 would remove these areas from timber production without justification.

IV. <u>If, notwithstanding the lack of any demonstrated need, the bill contains a special management area designation, certain lands valuable for timber production purposes should be excluded from this area.</u>

If the final bill contains a special management area designation, we believe that the language of the bill or its accompanying report should clearly specify that the existing burnt timber in the Deer Fire Burn area be salvaged by helicopter logging. There is presently eight to ten million board feet of valuable timber in the area that have been killed by fire. The language of Section 2(c) does not make it clear that harvest of such timber -- once a fire has already occurred -- would be permitted under the terms of the legislation.

In addition, we believe that the valuable timber stands in the Converse Basin Area and the McKenzie Ridge Areas on the Sequoia National Forest, and the Garlic Meadows Area on the Sierra National Forest, should be removed from the special

management area. These are areas which the draft land management plans deem to be valuable for timber production purposes. Absent any finding on the part of the Congress that timber production in these areas would be detrimental to the Wild and Scenic River designation, we see no reason for their inclusion in a special management area which would eliminate their contribution to the timber supply base on these forests.

V. Conclusion

In conclusion, NFPA and WTA support -- as our members did in their comments on the draft Sierra and Sequoia National Forest management plans -- the designation of the Kings River as a national Wild and Scenic River as proposed in those plans. However, we oppose the boundary change between the Sequoia and the Sierra National Forests, because such a change is neither justified nor necessary. Moreover, this change will result in administrative inefficiencies. Additionally, WTA and NFPA oppose the designation of a special management area which: (1) goes beyond the traditional boundaries of wild and scenic river segments; and (2) creates a new land management designation without precedent or demonstrated need.

We appreciate the opportunity to testify, and would be happy to work with the Subcommittee as it reviews this legislative proposal.

Senator BUMPERS. Thank you, Ms. Delaney.

Gentlemen and Ms. Delaney, I don't have any questions for you. You have presented the case for your clients very well.

I thank you for the testimony you have given this afternoon.

We may submit a couple of questions to you for the record, which we would like for you to get back as soon as you can because this bill is probably going to go to markup fairly soon.

Are you Mr. Rey?

Mr. REY. I am.

Senator BUMPERS. Glad you made it.

Mr. REY. I apologize for my tardiness.

Senator BUMPERS. You had a very fine replacement. I think she probably did a better job than you would have.

Mr. REY. I can imagine that that is almost certainly the case.

Your colleagues on the House side are hearing the Tongas bill today, and unfortunately they broke for more votes than you folks did. So we miscalculated who was going to go first.

Senator BUMPERS. Thank you all very much for coming.

Our second panel is Donn Furman, Executive Director, Save the Kings River; William F. Canning, Fresno, California; Kevin Coyle, Vice President, Conversation for American Rivers; and David Van Bossuyt of Newberg, Oregon.

If you gentlemen could summarize your testimony, it would be very helpful to me because I am afraid that we may have to break this meeting up. Some of you maybe have come long distances, and while I do not want to cut you short on your testimony, I do want you to be able to testify. I am afraid that we are going to get interrupted here unless we expedite this.

With that, Mr. Furman—who is Mr. Furman—would you please lead off.

STATEMENT OF DONN W. FURMAN, EXECUTIVE DIRECTOR, COMMITTEE TO SAVE THE KINGS RIVER

Mr. FURMAN. Thank you.

Mr. Chairman, my name is Donn Furman. I am Executive Director of the Committee to Save the Kings River. We are an organization of local activists dedicated to securing protection for the Kings River.

We have been striving for protection for over 14 years, until last year entirely through volunteer effort. We have researched, written, and published two reports on the natural and recreation qualities of the Kings.

I am the Committee's sole staff person.

I came to know the Kings initially through fly fishing. The Kings has some of the finest fly fishing water in the West, and consider my time up there to have enriched my life.

I can attest that people within our organization feel the same way that I do.

Simply put, the Kings River is a special place, and the thought that this special place could be needlessly lost has driven our commitment to see it preserved.

We strongly support H.R. 799 and urge the Senate Energy and Natural Resources Committee to pass it unamended to the Senate.

I know personally how difficult it was to reach the compromise which resulted in this legislation. I was a party to the negotiations and agonized over its provisions. I know the Kings River Conservation District also agonized. After all, the District and we had butted heads for many years before city councils, county boards of supervisors, the California Legislature, the media, and Congress.

But this March we sat down with Congressmen Lehman and Pashayan and hammered out the legislation before you. We negotiated in good faith, and that it can be truly called a compromise is evident from the fact that no party walked away from the table completely satisfied.

The Forest Service's position in particular on H.R. 799 does a disservice to everyone's efforts.

The legislation before you will achieve three things: (1) prohibit dam construction on the undammed upper 93 miles of the South, Middle, and Main Forks of the Kings; (2) clearly establish management direction for this unique canyon resource; and (3) convey to the deepest canyon in North America the national recognition it richly deserves.

Taken together, H.R. 799's provisions will preserve the incredible resources at Kings River Canyon, and the public's dedication to preservation of the natural integrity of the Kings is the heart of the issue.

In conclusion, I want to thank Senators Cranston and Wilson for their strong support for this legislation. I also want to thank Congressman Pashayan for his commitment to consensus and the Kings River Conservation District for their willingness to negotiate.

Finally, I want to extend our deepest appreciation to my Congressman and friend, Rick Lehman. His commitment to protecting Kings Canyon is as strong as anyone's I know.

Thank you for the opportunity to testify before this committee.

[The prepared statement of Mr. Furman follows:]

TESTIMONY OF DONN W. FURMAN, EXECUTIVE DIRECTOR, COMMITTEE TO SAVE THE KINGS RIVER, REGARDING H.R. 799 PRESENTED MAY 21, 1987 BEFORE THE SENATE COMMITTEE ON ENERGY AND NATURAL RESOURCES, SUBCOMMITTEE ON NATIONAL PARKS, PUBLIC LANDS, AND FORESTS.

Mr. Chairman, Members of the Subcommittee, my name is Donn Furman. I am executive director of the Committee to Save the Kings River, a conservation organization based in Fresno, California with a membership of over 2,000 people. We are a local organization, our members and Board comprised primarily of San Joaquin Valley residents who use and love the Kings River and its canyons. We enthusiastically support H.R. 799 as the culmination of fourteen years of effort to gain national recognition and protection for the Main Fork Kings River and Canyon.

The Committee to Save the Kings River is committed to achieving three goals on the Kings River. One, gain legislative protection for the Kings River from a dam project proposed at Rodgers Crossing. Two, see a management plan outlined and mandated that will preserve the Main Stem Kings' outstanding natural qualities and enhance its recreational opportunities. Finally, work for national recognition for the area's unique natural qualities through a national statutory designation.

We believe that the enactment of H.R. 799 will accomplish these three goals.

I would like to examine briefly the natural and recreational qualities of the Kings, the dam proposal that threatens river and canyon, and the manner in which the legislation before you addresses the three goals mentionmed above.

The Kings River and its canyons is clearly one of America's most extraordinary places. Among all rivers in the United States, the Kings has the greatest vertical drop with no dam blocking the river's flow. For 11,159 vertical feet, the Kings runs without dams. In this sense, the Kings is our greatest free-flowing river.

The Kings has carved the deepest canyon in our nation. At 8,240 feet, the Kings far exceeds the depth of the Grand Canyon. This incredible canyon lies entirely within the proposed Kings River Special Management Area.

The lower canyon within the Kings River Special Management Area is outstanding for recreation; it is the second closest major river to southern California's 15 million people. Above Garnet Dike, the Kings is one of America's wildest and least accessible river canyons outside Alaska.

The entire riverfront down to the North Fork confluence is in public ownership.

The Kings is the largest Wild Trout Fishery in California, designated for protection by the State Department of Fish and Game.

Here is one of the West's more popular rafting and kayaking runs, used by 24,000 people in 1986. . Commercial whitewater outfitting is a major economic activity in the area. The Kings is also one of the state's finest rivers for whitewater canoeing, and for recreation for the disabled.

Camping, swimming, picnicking, and other activities are enjoyed by tens of thousands of people a year. A designated National Recreation Trail along the river receives much use.

A prominent geologist, Dr. Gary Girty, calls the canyon "extremely interesting geologically, with the best preserved and best exposed remnants of pre-batholithic rock on the western slope of the Sierra Nevada."

The scenery is outstanding, as documented by the state in the California Protected Waterways Plan and by federal officials in various Forest Service and Park Service reports.

Water quality is incredibly good. Total Dissolved Solids are 30 to 40 parts per million, making this one of the cleanest waterways of its size in America.

The lower canyon is the winter range of two major deer herds. Golden eagles nest in the area and bald eagles stay during the winter.

Archaeological sites are plentiful and considered "significant" by the Forest Service. Unlike most Sierra canyons, the Kings was undisturbed by gold miners, and may hold the key to important information regarding some of the oldest Indian settlements.

All these remarkable qualities apply to the Main Fork Kings River and surrounding canyon lands. I have not even touched on the outstanding qualities of the South and Middle forks, which have already received both national park and wilderness designations. Inclusion of the South and Middle forks of the Kings in the national Wild and Scenic Rivers System is well-deserved.

I described the natural and recreational qualities of the

Kings that qualify it for protection. I now want to describe the workhorse Kings and the existing balance in uses that would be destroyed by a dam proposed at Rodgers Crossing, less than one and a half miles above Pine Flat Reservoir.

The North Fork Kings River has been harnessed to meet the needs for electricity of one million people through construction of two large dams, two small dams, several powerhouses, and many miles of pipe.

The Main Fork of the Kings is 159 miles long--141 of those miles are dammed, diverted, and channelized. Pine Flat Dam--an Army Corp project on the Main Fork--provides flood control and irrigation for 1.1 million acres of agriculture. 87 percent of the Kings' flows are consumed, never reaching the ocean.

The unprotected eighteen miles of the Main Fork have hung in the balance for twenty-two years, threatened by the Rodgers Crossing Dam proposal.

What are Rodgers Crossing Dam's alleged benefits?

(1) Flatwater recreation. People can already choose from 13 major reservoirs within 50 miles of Fresno. The existing Pine Flat Reservoir on the Kings is the least used of five Army Corps reservoirs in the southern San Joaquin Valley. Rodgers Crossing Dam would provide unneeded flatwater at the expense of 3,000 acres of public land and 11 miles of wild river.

(2) Electricity. The largest Rodgers Crossing project studied would contribute enough electricity to serve California for only 18 hours a year. For 18 hours a year of electricity we lose a yearround road-accessible haven for hiking, camping, photography, fishing, and other recreation.

(3) Flood control. The Kings River flooding that infrequently occurs refills a drained lake planted to cotton and wheat by some of the biggest corporate farming operations in the nation. Flood control for a drained lake would cost us 100 percent of the usable Kings River whitewater.

(4) Irrigation water. Dam proponents claim a need for additional irrigation water is the reason to dam the Kings again at Rodgers Crossing. According to recent studies, a 510-foot-high dam would yield 45,600 feet of water. The entire yield of Rodgers Crossing Dam would provide for only 1.4 percent of the water currently available to Kings River irrigators. For an additional 3 percent of a river already 87 percent utilized, we lose California's largest designated Wild Trout Stream.

There are alternatives for water. One district of 28 water districts serving the Kings River service area has joined Fresno County agencies in developing systems for the intentional recharging of groundwater. In one year these agencies jointly recharged more than the yield of Rodgers Crossing. California's

Department of Water Resources estimates that 135,000 acre-feet of water could be conserved in the Tulare Lake Hydrological Basin through better management of the existing resources.

I've run out of benefits for Rodgers Crossing Dam. I've not, however, run out of items on the cost side of the ratio. We also forfeit critical wildlife habitat, a National Recreation Trail, and archaeological treasures. Worst of all, we flood the lower reaches of the deepest canyon in the United States.

The Kings sustains the most dynamic agribusiness economy in the world. H.R. 799 will maintain the existing balance and provide an opportunity to have it all, a workhorse river and a natural wonderland.

H.R. 799 provides extraordinary statutory protection for the Kings River from future dam development. First, 81 miles of the Kings from headwaters in Kings Canyon National Park to elevation 1595 feet on the main stem will be designated within the Wild and Scenic Rivers System. This includes the Middle and South forks, and five miles of the Main Fork to below Garlic Falls.

Second, the Kings River from elevation 1595 feet to elevation 990 feet--below Rodgers Crossing--will not be designated at this time but will be protected "in the same manner as if it were so designated." Section 7(A) of the Wild and Scenic Rivers Act prohibiting dams and diversions applies fully to the 11-miles of the Kings threatened by the Rodgers Crossing Dam proposal.

Third, a second layer of statutory protection for the Kings will be provided by a prohibition against any federal lands within the Kings River Special Management Area being used for dam sites without the specific authority of Congress.

The establishment of the 49,000-acre Kings River Special Management Area will at long last protect the natural, scenic, and recreational resources of the Main Stem Kings River Canyon, eliminating bifurcated management problems. The canyon will be protected rim to rim, top to bottom, far more land than would be preserved by a wild and scenic designation alone.

The Forest Service will be required to develop a management plan to protect the natural, recreational, and scenic qualities of the canyon. Commercial timber harvest and new mining claims will be prohibited and off-road vehicle use will be restricted to current areas and levels. The Act emphasizes the development of new hiking trails.

National recoguition of the Kings' natural and scenic qualities will be accomplished through designation of the Kings River Special Management Area. This designation will serve to increase the public's awareness and enjoyment of this remarkable place. We believe that one day additional recognition and protection will be extended to the lower reaches of the Main Fork Kings as it has been extended to the Middle and South forks.

Finally, we would like to express our deep appreciation for Congressmen Lehman and Pashayan's efforts to reach the compromise that made this legislation possible. We deeply appreciate the leadership exhibited by California Senators Cranston and Wilson in supporting this legislation.

Thank you.

Senator BUMPERS. Thank you very much.

I just want to say in looking over your testimony, as you have summarized it, I was looking over the points made on the formally proposed dam at Rodgers Crossing. Those are excellent points that you made.

Mr. FURMAN. Thank you.

Senator BUMPERS. Mr. Canning.

STATEMENT OF WILLIAM CANNING, FRESNO, CA

Mr. CANNING. Thank you, Mr. Chairman.

My name is Bill Canning. I am a businessman in Fresno, with both a financial interest and a personal conviction about the importance of the Kings River Canyon in California.

I strongly support the compromise legislation that was adopted by the House of Representatives.

I have been involved in agriculture during my entire business career. I have operated a cattle feedlot in Western Fresno County for 33 years. I am also a co-owner of a whitewater rafting company based on the Kings River in the proposed special management area.

During the past 15 years, I have seen the recreational use of this portion of the Kings River grow dramatically. Ours is one of three professional whitewater outfitting companies in the river.

Together, we take 200 people a day through this outstanding stretch of whitewater on the Kings.

This does not begin to equal the use of that river by private, non-outfitted boaters, tens of thousands of other recreational users, who camp, fish, and hike the canyon trails.

As you know, timber, mining and agriculture can no longer be depended upon to fuel the economy of our rural areas. Recreation and tourism is making an ever-expanding impact wherever it is promoted.

In my community, the agricultural economy is in desperate straits. Many of my neighbors farms have been repossessed. The cause of this depression is certainly not the shortage of water. Quite the reverse. We simply produce more than anyone will buy.

Every new project that has brought water to our area has resulted in new lands being opened and production being intensified. Diversification away from our community's exclusive agricultural base is essential to our economic well-being.

The expanded use of the Kings River Canyon can go a long way toward achieving this type of diversification, and in our area, we have seen many other steps taken in this direction, recognizing the importance of recreation and developing something that this legislation can be a very fine part of.

You can be very sure that our valley and our State will cherish this great river canyon that you are saving for us now and for generations to come.

[The prepared statement of Mr. Canning follows:]

F.W. (Bill) Canning

Statement regarding the national Wild and Scenic River proposal for the Kings River, California.

May 21, 1987

Mr. Chairman, Members of the Subcommittee, my name is Bill Canning. I am a businessman in Fresno with both a financial interest and a personal conviction about the importance of the Kings River Canyon in California. I strongly support the compromise legislation that was adopted by the House of Representatives.

I have been involved in agriculture during my entire business career. I have operated a cattle feed lot in western Fresno County for 33 years. As an active Republican and a past president of the California Cattle Feeders Association I have been to Washington before to discuss the economic problems facing our area. Since my primary income and work is in agribusiness, I have a fair understanding of its cycles, its needs, its triumphs and its disasters. What I especially understand and view with no small alarm, is that the structure of the business community in our local metropolitan areas evolves exclusively around agriculture. We must find ways to strengthen our economy through diversity. The same geological and climatic factors that have made Fresno County the world's leading producer of agricultural commodities can be utilized in a balanced way to make our area a major contender in the tourism industry.

I am also a co-owner of a whitewater rafting company based on the Kings River in the proposed Special Management Area. During the past 15 years I have seen the recreational use of this portion of the Kings River grow dramatically. Ours is one of three professional whitewater outfitting companies on the river. Together we take 200 people a day through this outstanding whitewater stretch of the Kings. This doesn't begin to equal the use of that river by private, non-outfitted boaters. Tens of thousands of other recreational users camp, fish and hike the canyon trails.

As you know, timber, mining and agriculture can no longer be depended upon to fuel the economy of rural areas. Recreation and tourism is making an ever expanding impact wherever it is promoted. In my community, the agricultural economy is in desperate straits. Many of my neighbors' farms have been repossessed. The cause of this depression is certainly not the shortage of water. Quite the reverse. We simply produce more than anyone will buy. Every new project that has brought water to our area has resulted in new lands being opened and production being intensified. Diversification away from our community's exclusive agricultural base is essential to our economic well being.

We are globally competitive in recreation and tourism. Fresno is the gateway to some of the world's finest outdoor opportunities. It can become a capital of recreation and tourist services. Wild and Scenic designation for the Kings together with the Special Management Area offer an exciting opportunity for the canyon to become an important part of this recreational growth. It is equidistant from both the Los Angeles and San Francisco metropolitan areas and it has a rural character unmatched by any easily accessible Sierra river.

The expanding use of the Kings River Canyon is by no means the only sign that recreation and tourism is playing an ever expanding role in our community. In just the past few weeks civic leaders have been taking steps to develop extensive parkways along the San Joaquin River. There is a strong proposal for a locally developed all year trail from Woodward Park inside the Fresno City limits to join the Muir Trail high in the San Joaquin River drainage. There is great support throughout our valley for the type of local recreational programs and facilities envisioned in the recently released report of the President's Commission on Americans Outdoors. For the past several years the Committee to Save the Kings River has sponsored a fund raising spring barbecue at our whitewater base camp. The demand for tickets has always greatly exceeded our capacity of 1200 guests.

Senators, you can be sure that our valley and our state will cherish this great river canyon that you are saving for us now and for generations to come.

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Senator BUMPERS. That is an excellent statement. I read more than you said. You certainly make a good point about the water. Every time you produce more water, you open up more land, you produce more, and you exacerbate the very problem that we are trying to solve.

Mr. CANNING. That is exactly right.

Senator BUMPERS. You said it very well. Thank you.

Mr. Coyle.

STATEMENT OF KEVIN J. COYLE, DIRECTOR OF RIVER PROTECTION, AMERICAN RIVERS

Mr. COYLE. Mr. Chairman, in the interest of time, I will make my comments very brief.

My name is Kevin Coyle, and I work for American Rivers, the principal river-saving organization in the Nation.

I am here today also representing Friends of the River, in California, the National Parks and Conservation Association, the Sierra Club, the Western River Guides Association, The Wilderness Society, and Friends of the Earth.

Senator BUMPERS. Are you speaking for all of those?

Mr. COYLE. Indeed. It is quite a crew.

Senator BUMPERS. Okay.

Mr. COYLE. Let me say three quick things about this legislation.

The first is that we support it, and we support it for the basic reason that the special management area, as it has been developed, we believe provides the kind of protections that are needed for the Kings River. In addition to the water resource protections, there is additional acreage provided and so forth.

The second thing—and it is a point that we feel very strongly about—is that there were unique circumstances here involved with the depth of this controversy and what was really going on here—the leadership of Rick Lehman, the fact that Chip Pashayan's district was very much affected. So we believe that the compromise was, indeed, necessary. But we would, in the long run, like to see this part of the river added to the National Wild and Scenic Rivers System, that part, the 11 miles, which is covered by the special management area.

Our concern over the precedent here is very straight-forward. We believe the Wild and Scenic Rivers Act has flexibility to include a lot of these controversies already, and we believe, in addition to that, that once you lose the addition of the system, the strength of the designation, the actual addition to the National Wild and Scenic Rivers System, you have a solitary designation which is much easier to amend. I hope my comments here do not cast any shadows on what we believe is a fine conservation achievement.

But I did want to make those points.

We hope that the Senate will move forward quickly and support this bill.

Thank you.

[The prepared statement of Mr. Coyle follows:]

TESTIMONY OF KEVIN J. COYLE,

DIRECTOR OF RIVER PROTECTION

AMERICAN RIVERS

ON HR 799

BEFORE

SENATE SUBCOMMITTEE FOR PUBLIC LANDS,
NATIONAL PARKS AND FORESTS

MAY 21, 1987

ALSO ON BEHALF OF:

FRIENDS OF THE RIVER

NATIONAL PARKS AND CONSERVATION ASSOCIATION

SIERRA CLUB

WESTERN RIVER GUIDES ASSOCIATION

THE WILDERNESS SOCIETY

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Thank you, Mr. Chairman. I am pleased to have the opportunity to testify before the Subcommittee today and look forward to working with you in the remainder of the 100th Congress. My name is Kevin J. Coyle, and I am Director of River Protection for American Rivers, the nation's principal river-saving organization. Today, I am also testifying on behalf of Friends of the River, the National Parks and Conservation Association, the Sierra Club, the Western River Guides Association, The Wilderness Society, and Friends of the Earth.

I am here to support HR. 799, a bill to protect the Kings River in California, and to commend Senators Cranston and Wilson for their co-leadership this year in seeking to protect the Kings River and two other remarkable California rivers, the Merced and the Kern.

The Kings River is one of America's most remarkable natural resource treasures. It flows through the deepest canyon in North America, has an outstanding trout fishery, is a first-rate recreational boating river, and has the greatest undammed vertical drop of any river in the nation. As such, it would be an outstanding addition to the Wild and Scenic Rivers System.

In January of this year, the Kings River was declared the nation's most endangered river by American Rivers due to its remarkable resource significance and the prominent threat of the Rodgers Crossing Dam proposal. This legislation will remove that threat by giving the river not only the same protection from water resource development projects as is provided by the Wild and Scenic Rivers Act, but an additional prohibition against dam construction.

HR 799 would add all but an 11 mile segment of the Kings River which is most threatened by the Rodgers Crossing dam to the Wild and Scenic Rivers System. Instead, this segment will be protected by the establishment of a Kings River Special Management Area.

We support the establishment of the Kings River Special Management Area, but wish to make a few comments concerning the precedent-setting value of the decision to exclude this segment of the river from the national rivers system.

In our view, there were many unique circumstances which make workable and appropriate the settlement of the controversy over the future of the Kings River by establishing the special management area. These revolve around the intensity of the debate and the need for a creative solution. This particular special designation is not a "paper exercise" designed to sweep some troublesome political problem under the carpet or to weaken the river's protection. Instead, it embodies a good-faith effort by House members Richard Lehman and Charles Pashayan to craft a legislative solution which will truly protect the river and its associated canyon from unwise and inappropriate development.

We support the establishment of the Kings River Special Management Area because it contains a number of solid legislative protections, some of which go beyond the Wild and Scenic Rivers Act. It will, for example, protect more acreage than would otherwise be protected under the Act and will place stronger restrictions on timber harvest, mining and off-road vehicle use. We recommend, however, that the Oat Mountain Roadless Area also be included in the special management area to add further and much needed protection to the river

canyon. The bill also calls for consolidated Forest Service management and provides for the development of a special resource management plan. Still most important is the fact the bill will protect the river from impoundments as though it were designated as a Wild and Scenic River. It is difficult to imagine other situations on other potential Wild and Scenic Rivers where such a strong compromise would be reached.

Our concern over precedents runs to the very heart of the Wild and Scenic River program. When it was passed in 1968, the Act embodied a policy to protect the nation's last remaining outstanding rivers from impoundment and adverse development. In recognition of the potential controversies that would undoubtedly arise from such a bold new legislative intent, the Congress built inherent flexibility into the Act. As such, the Act can accommodate many landowner and community concerns without amendment and we hope that future river bills will first look to the Act before seeking a special designation to resolve a conflict.

We believe the most profound protection provided by the Act derives from the fact that the river becomes part of a larger system. No river has heretofore been removed from the Wild and Scenic Rivers System. A single designation such as a special management area, by its nature, does not bring the added institutional protection of the larger system. Special management areas do not necessarily have this subtle but very important protection. They require a high degree of vigilance on the part of the conservation community and the Congress. We hope, for example, there will be a time in the future when even

the Kings river as it flows through the special management area will be included in the national rivers system.

Mr. Chairman, I trust that our concern for the long-term strength and integrity of the Wild and Scenic Rivers program vis-a-vis future bills will not cast a shadow on the fine conservation effort embodied in HR 799. We recommend and look forward to swift action on this bill to give the Kings River and its magnificent canyon the recognition and protection they so richly deserve.

Thank you, and I will be pleased to respond to any questions you or members of the Subcommittee may have.

Senator BUMPERS. Thank you very much.
Next is—you pronounce it.
Mr. VAN BOSSUYT. My name is Dave Van Bossuyt.
Senator BUMPERS. If it's okay, I'll just call you David.
Mr. VAN BOSSUYT. That's fine with me.
Senator BUMPERS. Thank you. Please proceed.

STATEMENT OF DAVID P. VAN BOSSUYT, FORESTER, NEWBERG, OR

Mr. VAN BOSSUYT. Mr. Chairman, I would like to enter my written testimony in the record.

My background and experience is that I am a forester, and I worked for seven years on the Kings River range or district of the Sierra National Forest. I no longer am employed by the U.S. Forest Service.

In those seven years, I have marked timber, fought fires, hiked, surveyed timber, and planted trees in or adjacent to the special management area on the North side of the river. I have also hiked through portions of the Converse Basin Grove and the areas on the South side of the river.

I will keep my testimony main to the timber issues, the four areas that have been addressed previously by the first panel.

First, the red fir forest talked about at Garlic Meadow is a high elevation red fir forest, basically at the upper limit of its range. It runs anywhere from around 8,500 feet to 9,000 feet. Red fir at that elevation is basically mixed with lodgepole pine and is slowgrowing and with low productivity. It is hard to reforest and regenerate.

Good red fir forests you would normally find down around 8,000 feet or 7,500 feet. So this is not a prime timber producing area. Normally, it would not be considered for much logging intensity.

The area around Wiseman Spring was an area that was, unfortunately, burned by the Forest Service when they set their backfire to control a wildfire last summer, which never made it to that area. But it does have good timber and it is steep ground. The only way you could economically log it is with helicopters, and basically, there is no revenue return to the government after a sale like that.

I would take exception to the statements previously made that you cannot see these timber stands from the river and that they are up in the benches above the river. That, in fact, is not the case from my experience, in being on the river itself, and especially on both sides of the river, actually.

The Converse Basin side is not relatively flat ground. If you get to the south of the management unit in the Converse Basin itself, that is pretty flat ground for logging. That could be tractor logged.

When you get on the Converse Mountain side of the grove, which is included in the special management area, that is steep ground. If you will look at the topographic lines, it is basically the same as across the river by Wiseman Spring. This area would either have to be helicopter logged or cable logged. In cable logged, what they intend to do is take the white woods out of the area. They may not

intend to do it in ten years, but it is in the timber management, in the general forest zone. So eventually it would be logged.

So they take the white woods out of the redwood, the giant sequoias. The problem is there is no way you can take those trees, just physically pluck them out, without damaging the remaining redwoods.

The Sequoia National Forest proposed management plan for the redwoods states that they intend to log redwoods, the second growth redwoods, and leave a few specimen trees, or what they call museum trees, for the future.

So, basically, you are going to see the Converse area clear-cut, and that is their preferred alternative for management throughout the Sequoia National Forest, in addition to the Converse Basin and those lands, and Converse Mountain groves.

Going over to the extreme West, in the McKenzie Ridge area, this, again, is not flat ground. It is steep ground that benches off into the river, and it can be seen from down on the riverside.

Basically, what you have is brush fields, leading up into scattered oaks with brush, leading up into the fringes of the timber. These are the lowest fringes of the timber. Basically, they don't grow any lower than that except as scattered individual trees.

So my final point would be that these areas were originally, or are, included in the National Forest planning basically to get the allowable cut, the annual allowable cut up.

If they don't include this and they say there are 970,000 board-feet growing annually a year, that means they have to reduce that allowable cut on that forest by that much. They may never intend to log any of those areas, but that cut is basically being taken out of other areas in the forest. Therefore, you are really overcutting those other areas, due to the exaggeration of the amount of timber, the case of cutting, in these particular areas.

That would conclude my comments.

Thank you.

[The prepared statement of Mr. Van Bossuyt follows:]

HR 799 Kings River Wild and Scenic Rivers Bill

Senate Hearing - May 21, 1987

Senate Subcommittee on Public Lands, National Parks and Forests

Prepared Testimony Concerning the Timber Resources within the Kings River Special Management Area

David P. Van Bossuyt, Forester
14700 N.E. Spring Creek Lane
Newberg, Oregon 97132

Comments

Opponents to HR 799 claim that the lands included within the Kings River Special Management Area(KRSMA) contain valuable stands of timber. These stands are said to be capable of producing 970,000 board feet of timber per year. This figure is exaggerated. When factors affecting the suitability for intensive timber management are examined, it is obvious only a minor amount of timber volume could be cut from within the KRSMA on the Sequoia and Sierra National Forests.

The Sierra National Forest portion of the KRSMA supposedly has an annual potential yield of 370,000 board feet of timber. This represents approximately one half of one percent of the total annual forest allowable sale quantity. This timber is primarily red fir, white fir, and ponderosa pine. Timber stands are scattered along Rodgers Ridge, Garlic Spur, Rough Spur, Deer Ridge, and Garlic Meadow.

The stands on Rough Spur and Deer Ridge are totally inacces-

sible. Any attempt at logging and reforestation would be prohibitively expensive and only could be sold as a deficit helicopter timber sale. Logging and reforestation costs would greatly exceed any anticipated revenue with the taxpayer paying the difference. Accessibility, topography, and reforestation problems on steep south facing slopes should be sufficient to remove these stands from the general forest category.

The red fir and lodgepole pine stands at Garlic Meadow are purported to have the potential to yield annually 256,000 board feet of the total 370,000 board feet. This is far more timber than is growing there.

The timber stands at Garlic Meadow are growing above 8,500 feet elevation. I personally have walked through these stands and many similar ones on the Kings River District. These high elevation red fir stands are slow growing and hard to regenerate. Logging costs at this remote site would be high and the commercial value of red fir lumber is low. A more realistic estimate of annual potential yield would be approximately 150,000 board feet.

The remaining stands on Rodgers Ridge near Lousy and Wiesman Springs are located on steep terrain. Logging is difficult and expensive. Reforestation is difficult to accomplish based on numerous plantation failures I have witnessed in the immediate area. This area is also prone to large and small wild fires, three of which I helped to fight. Any investment in timber on these steep south facing slopes quickly can go up in smoke.

The Sequoia National Forest portion of the KRSMA is listed

as having a potential annual yield of 600,000 board feet; once again this is approximately one-half of one percent of the total forest annual allowable harvest. The timber stands are scattered along the ridges overlooking the Kings River, in the Converse Mountain and Cabin Creek Redwood Groves, and on the fringes of the Converse Basin Redwood Groves.

Converse Basin, originally the largest grove of Sierra redwoods, was extensively logged in the 1890's and early 1900's. These areas have regrown with mixed stands of redwoods, white fir, and sugar pine. Approximately 215,000 board feet of annual potential yield is located within these young redwood groves. The land occupied by the groves within the KRSMA is steep and hard to log. Expensive cable logging would have to be used to remove the white fir and sugar pine from within the stands of young redwoods. Intensive timber management of the white fir and sugar pine could not be practiced without seriously injuring a majority of the young redwoods. These particular stands should not have been included in lands suitable for general timber management.

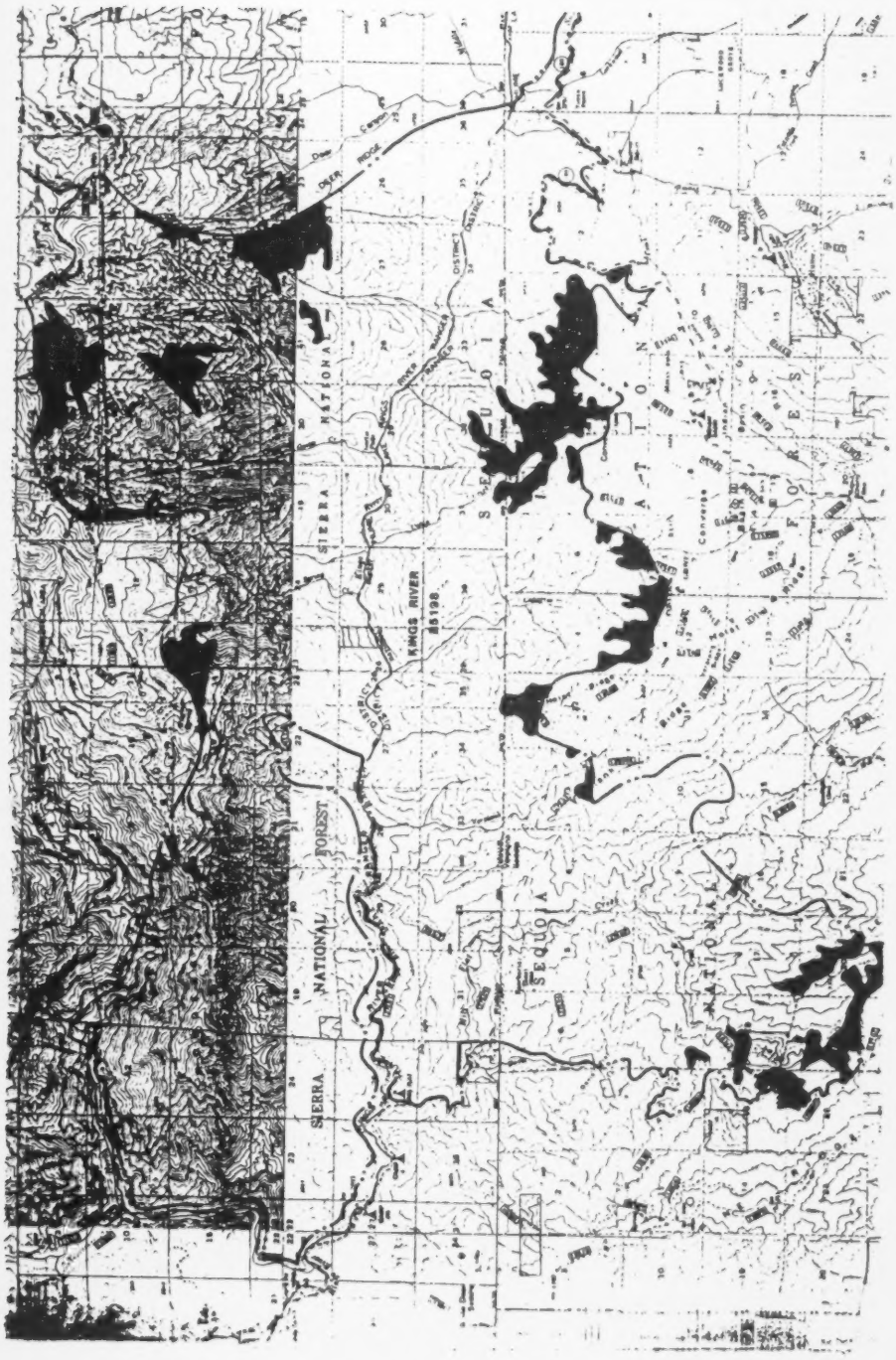
The scattered stands overlooking the Kings River west of the redwood groves all grow on steep, rugged terrain prone to soil erosion. Once again, logging on these areas would be difficult, expensive, and severely impact the site. Clearcuts would be an eyesore visible from the river. Once logged, these lands are hard to intensively manage and would require repeated applications of herbicide to kill brush. Without herbicide, reforestation would probably fail. These combined factors would lead a

prudent forester to remove these areas from the designation of general forest schedule for intensive management.

The bottom line is that these stands within the KRSMA should not have been included in the calculations from which the Forest Service derives the Forest annual allowable harvest. To do so yields an unrealistically high annual harvest which cannot be sustained over time.

Summary

Prudent forest management techniques would yield an insignificant amount of timber from within the Kings River Special Management Area. The Forest Service has optimistically inflated the area'a potential annual yield to increase the total Forest annual allowable harvest. In doing so, they have distorted the true impact on the local timber economy of passage of HR 799. This bill would have no detrimental impact to the local timber economy.


SIERRA NATIONAL FOREST
KINGS RIVER
SEQUOIA
SIERRA NATIONAL FOREST

APPENDIX TO TESTIMONY PRESENTED BY DAVID VAN BROSSUYT ON MAY 21, 1987 BEFORE THE SENATE SUBCOMMITEE ON NATIONAL LANDS, PUBLIC LANDS, AND FORESTS ON H.R. 799 REGARDING THE KINGS RIVER SPECIAL MANAGEMENT AREA.

The Committee to Save the Kings River supports designation of the Kings River Special Management Area. The Kings River and surrounding canyon lands offer outstanding qualities of nationwide, statewide, and local importance.

The Kings River above Pine Flat Reservoir is unique in America in at least two extraordinary respects: it flows through the deepest canyon, and it has the greatest undammed vertical drop among all rivers in the United States. The Kings River Special Management Area will encompass this incredible canyon and will preserve the lower stretches of the undammed vertical drop of the Kings.

Qualities of the Kings River Special Management Area that support the designation are described by category in the following.

Recreation

All but 380 of the 49,308 acres of the entire proposed Kings River Special Management Area is public land, available for recreational use by everyone. The parcel of private land is far from river and roads.

The Kings River Special Management Area is five and a half hours from Los Angeles and four and a half hours from San Francisco and Sacramento. Fresno, with a city population of 284,500 is an hour and a half from the area--a popular day-use area.

Anglers come from all over California to fish the Kings and sixteen- to twenty-inch rainbow trout are common. Studies by the state Department of Fish and Game showed about 9,000 visitor days per year by anglers. Much of this use occurs upriver from Garnet Dike in the wilderness stretches of the Kings.

People take about 24,000 raft trips a year on the Kings. Here is the highest volume of whitewater that can be safely rafted in the Sierra Nevada, the second highest in California. Statewide, the Kings is the largest rafting river that is not controlled by a dam above the section that is run, and has the longest boating season among all undammed rivers in the Sierra.

The nine-mile section above Pine Flat Reservoir is a favorite of kayakers. The upper section of the Kings River from the Middle and South forks confluence to Garnet Dike is one of the most challenging runs in America for the expert paddler.

At medium and low flows, the Kings is one of the few whitewater rivers between the Colorado in Arizona and the Klamath in northern California that is suitable for river-running dories.

At medium and low flows, the Kings is one of California's finest rivers for the advanced canoeist.

Many thousands of people come to camp, swim, inner tube, and picnic.

In winter, the canyon is hospitable for campers, hikers, and backpackers because it is below the snow level yet above the fog that blankets the San Joaquin Valley.

Nine miles of the western part of the Kings River Special Management Area are readily accessible by car. Statewide, this is one of few major river canyons outside northern California where a gravel road provides a yearround opportunity to get to a wilderness area. The southeastern boundary of the proposed Kings River Special Management Area is flanked by one of the most scenic highways in California.

The Kings River National Trail follows the river for three miles upstream from the road's end at Garnet Dike. This trail was selected for national designation because of accessibility to many people and because of natural qualities. Other trails within the area provide access to archaelogical sites, the Sierra high country, and isolated stretches of the river.

The lower canyon is used by deer hunters and hunters of turkey, quail, band-tailed pigeon, raccoon, bobcat, wild boars and bear.

Fisheries and Wildlife

The Main Stem of the Kings is the largest Wild Trout Fishery in the state, designated for protection by the California Department of Fish and Game.

Fisheries biologists regard the Main Stem Kings River as the state's finest freestone (non-limestone) river for trout.

The lower canyon is the winter range of two major deer herds--the Hume herd and the Crown segment of the North Kings herd, part of which spends summers in Kings Canyon National Park.

The Forest Service reported that wildlife is extremely varied in the canyon.

The canyon and its headwaters are habitat of the golden eagle, peregrine falcon, prairie falcon and willow flycatcher. Bald eagles stay during winter.

Mountain lions, gray foxes, and ring-tails thrive in the Kings River Special Management Area.

Geology

Dr. Gary Girty, a geologist at San Diego State University who has studied the canyon of the Kings River Special Management Area extensively, calls it "extremely interesting geologically with the best preserved and best exposed remnants of pre-batholithic [non-granitic] rock on the western slope of the Sierra Nevada."

The lower canyon includes views of glacially carved high country, 1,600-foot granite cliffs, craggy metamorphic outcrops of Rodgers Ridge 3,400 feet above the river, and Sierra Nevada foothills.

According to the National Geographic Society, the National Park Service, and measurements on U.S. Geologic Survey maps, the Kings River carves the deepest canyon in North America. From the crest of Spanish Mountain to the river near Rough Creek is 8,240 feet. The Kings River Further Planning Area encompasses this entire canyon, including the lowest point.

In the Horseshoe Bend area the Kings has carved one portion of its canyon through nearly vertical rock, 1,400 feeet high, all of it marble.

Archaeology

Many Indian sites including grinding holes, pictographs, and village remains are located along the river in the Kings River Special Management Area. Kathy Moffitt, once chief archaeologist for the Sierra National Forest, called the canyon "significant"

and "unique to the national forest," with "the full range of archaeological sites."

The longest logging flume in the world was built along the river in 1889; remains can be seen in the Kings River Special Management Area.

In 1891 John Muir proposed national park status for the entire Kings Canyon from the headwaters downstream to Mill Flat Creek (two miles above the Rodgers Crossing dam site). Most of the Kings River Special Management Area is within Muir's proposed boundaries.

Scenery

The combination of excellent water quality, undisturbed shorelines, and distant views of hills, cliffs, and high mountains make the scenery of the Kings River Special Management Area unique among Sierra Nevada river canyons.

The lower canyon offers better views of Sierra Nevada high country than any other low-elevation canyon in the Sierra.

In the Nationwide Rivers Inventory, the U.S. Department of the Interior stated that the Main Stem provides a "spectacular view."

Numerous waterfalls occur within the Kings River Special Management Area. The following is a partial listing:

A 150-foot waterfall on Spring Creek one-quarter mile above its confluence with the Kings River.
Garlic Falls, which drops 650-feet to the river through four major cataracts.
Two waterfalls on Rough Creek within one-quarter mile of the Kings - the lower plunges 75 feet directly into the river from a cleft in the gorge wall.

Views east of Garnet Dike in the Kings River Special Management Area are of stunning scenic quality. Between Fox Canyon and Spring Creek views can be had of the steep limestone-spired canyon of Converse Creek, an exfoliated granite dome above the Spring Creek drainage, the steep tributary gorges of the south canyon, Garlic Spur, Spanish Mountain, Rough Creek gorge, Windy Gap on the South Fork, and Wren Peak in the Monarch Wilderness.

Views available west of Garnet Dike are of the granite bluffs of Rodgers Ridge as well as limestone outcroppings. Numerous steep hillsides end in granite and limestone cliffs within the Kings River Special Management Area. Stands of ponderosa pines, sycamores, willows, and Valley oaks line the river in this section.

Plantlife

From the headwaters to Pine Flat Reservoir, the Kings includes the plantlife of many climatic zones extending from 951 feet above sea level where snow is extremely rare, to glacier and permanent snowfields. A large part of this range is included in the Kings River Special Management Area.

Botanists have scarcely explored the Kings River Special Management Area. Prominent botanists believe that rare and perhaps endangered plantlife may exist in the canyon but is undiscovered because few scientists have studied the area.

Jeanne Larson, Director of the Discovery Center (a natural history museum) in Fresno stated, "Many plants in that area are beyond their normal range, and because of that, the mixture of plant species is very rich."

The area's wildflower display in April and May is considered one of the finest in the Sierra.

The Boole Tree--the eighth largest sequoia--lives in the tributary basin of Converse Creek, which lies within the Kings River Special Management Area.

Education and Science

Many colleges and universities use the Kings River Special Management Area as as outdoor laboratory and classroom. A sampling includes California State University at Fresno, Fresno City College, Sonoma State University, the University of California at Davis and Berkeley, Kings River Community College, and Santa Rosa Junior College. The river is used by Fresno YMCA groups, Boy Scouts, other youth groups, Outward Bound, and the Balch Camp Elementary School.

Disabled and special needs classes from Fresno City College and the Fresno YMCA use the area.

The Nationwide Rivers Inventory stated that the North Kings deer herd along the Main Stem is of scientific and educational value.

The biological, hydrologic, and other scientific significance of the Kings' undisturbed vertical gradient--all public land with no dams--has scarcely been studied. The Kings is the finest example of a major Sierra river that is relatively unaffected by people, and one of the finest examples in the nation outside Alaska.

Wilderness

In the percentage of basin lands that are wilderness, the Kings ranks among the wildest watersheds in the nation outside Alaska. Designated and de facto (existing but undesignated) wilderness constitutes nearly 100 percent of the basin above the North Fork confluence.

Above Garnet Dike, no roads or developments encroach on the Main Stem canyon. Access by trail is limited, and access by water is possible only by expert paddlers for several weeks a year. This canyon is one of the wildest in the lower forty-nine states, ranking with the Clarks Fork of the Yellowstone, the Yellowstone Canyon, the Black Canyon of the Gunnison, and the lower Middle Fork of the Feather.

Hydrology and Related Qualities

Water quality of the Kings is among the finest in America for rivers of this size or larger. Total dissolved solids (TDS) are only 30 to 40 parts per million, which is extremely rare.

Among all rivers in the United States, the Kings has the greatest vertical drop with no dam blocking the river's flow. From the river system's highest point (shown as a year-round stream on U.S. Geological Survey 7 1/2 minute maps), to Pine Flat Reservoir, is 11,259 feet. Other free-flowing rivers are longer, but in respect to undammed gradient, the Kings is the greatest free-flowing river in the United States. A significant portion of this drop occurs in the Kings River Special Management Area.

Senator BUMPERS. Does this area have giant redwoods in it?

Mr. VAN BOSSUYT. Yes. There are a few remaining redwoods in the Converse Mountain area. Most of it was logged off in the late 1800s and the early 1900s. It was originally the biggest stand of redwoods.

They built a flume down to Sangarin and logged that off.

Senator BUMPERS. How long does it take a giant redwood to reach harvestable age from birth?

Mr. VAN BOSSUYT. They are fast-growing when they are young. and in 80 or 90 years, you would have a good saw-timber tree. In fact, on both the Sierra and the Sequoia National Forests, they have planted in the past plantations of redwood specifically for future logging, outside of what had been redwood groves.

Senator BUMPERS. Are these trees shallow root trees?

Mr. VAN BOSSUYT. Yes, they are.

Senator BUMPERS. Do they actually intertwine? I have heard that their roots intertwine with each other.

Mr. VAN BOSSUYT. Yes.

Normally a good rule of thumb is that the roots go out at least twice as far as the branches, and a lot of time you will find the roots ten times out past the branches.

Senator BUMPERS. Ten times as far as the branches?

Mr. VAN BOSSUYT. Yes.

Senator BUMPERS. That sounds like some of the trees in my back yard.

Mr. VAN BOSSUYT. They basically interlace the soil, usually in the uppermost foot of the soil. So, when you do a lot of soil disturbance or ground disturbance, you are destroying roots or damaging the roots in the area.

You have seen where they have repaired sidewalks, whatever. All those roots are close to the surface. They are not down deep. The trees are in that uppermost foot of soil, basically.

Senator BUMPERS. What are some of the oldest giant redwoods in California—not necessarily in this area? What are some of the oldest. I have heard that some of them are as old as 2,500 years.

Mr. VAN BOSSUYT. Yes, 2,000 to 3,000 years old.

Senator BUMPERS. It's amazing that a shallow root tree could survive the elements for that period of time, isn't it?

Mr. VAN BOSSUYT. Yes. They are pretty hardy trees if left to themselves.

Senator BUMPERS. Do you think it is fair to designate an area here for all practical purposes as Wild and Scenic, without designating it Wild and Scenic?

Mr. VAN BOSSUYT. Well. I think it is a good compromise. I followed this whole issue through the papers all the way along, and it is not my preferred alternative. I would rather see it in Wild and Scenic. But I think it is a good compromise and does preserve some options for the future.

Senator BUMPERS. Mr. Canning, you have a river raft business on the Kings River?

Mr. CANNING. Yes, sir.

Senator BUMPERS. And you say there are two others. Are there three of you?

Mr. CANNING. Correct.

Senator BUMPERS. How many people do all three of you carry down the river, and also tell me from where to where do you do this.

Mr. CANNING. We operate on the ten mile stretch right above Pine Flat Reservoir.

Senator BUMPERS. Wait, just a minute. Let me get that located. You start just below the reservoir?

Mr. CANNING. Just above the reservoir.

Senator BUMPERS. Just above the reservoir?

Mr. CANNING. That's right.

We have a base camp right where the river comes into the reservoir.

Senator BUMPERS. Okay.

Mr. CANNING. This would be inundated when they raise it, I might add. But we then operate on that ten mile stretch above our base camp, and together we take down about 200 people a day, the three companies. Our company does right about half of that, about 100 people.

Senator BUMPERS. Do you go down as far as Garlic Falls?

Mr. CANNING. No. Garlic Falls is above our run. The river falls pretty precipitously right in that area, well over 100 feet a mile.

Senator BUMPERS. Where do you take people out?

Mr. CANNING. We take people out right at the reservoir, and we take them up by bus on that ten mile road, the old dirt road that goes up the river on the North side.

Senator BUMPERS. That road is not shown on my map.

Mr. CANNING. A lot of people don't think it's there, even when they're driving on it.

Senator BUMPERS. How many people do you think you and your two competitors are carrying a day?

Mr. CANNING. About 200 a day.

Senator BUMPERS. Do you carry 200 a day?

Mr. CANNING. My company carries 100 a day. The other two carry each about 50 a day.

Senator BUMPERS. Fifty a day.

What do you charge?

Mr. CANNING. Depending on whether it is a weekday or a weekend, the cost runs from about $70 a day to $100.

Senator BUMPERS. Per person?

Mr. CANNING. Per person. That includes full meals both days.

Senator BUMPERS. Are you licensed by the Forest Service or anybody else to operate this business?

Mr. CANNING. Yes. We are permitted. We operate with an outfit or guide permit from the U.S. Forest Service.

Senator BUMPERS. Is this an area that is flown by any charter aircraft that you know of, taking people into that area?

The reason I ask you is we are having a problem at Grand Canyon with noise pollution. There are so many companies, there are 40 different companies flying people over the Grand Canyon. That is not true in this area?

Mr. CANNING. No, it is not. The only overflights that we get are——

Senator BUMPERS. Just commercial flights?

Mr. CANNING. Well, the Kings River Conservation District helicopters go up there quite a lot, but I think maybe less so now.

Senator BUMPERS. How long does it take to take this ten mile trip?

Mr. CANNING. Probably about three hours. It depends a bit on the level of the river.

Senator BUMPERS. Are you licensed by the Sierra or the Sequoia National Forest?

Mr. CANNING. The Sierra. Our base camp is actually located on the Sequoia, but our permits are administered by the Sierra.

Senator BUMPERS. Well, gentlemen, you have all made fine statements. We appreciate it very much. You have given good, compelling reasons why you favor the bill.

I am from a State that has a lot of timber and a lot of timber in national forests. I have had an excellent relationship with the Forest Products Association of my State as well as the National Forest Products Association.

I remember when Hubert Humphrey and I virtually wrote the National Forest Management Act back in 1976. He would say, "Dale, if we left it to the environmentalists, a leaf would never fall; and if we left it to the timber industry, they would cut every tree in sight. So it is up to you and me to compromise this thing."

That was good advice, and since that time, I have tried to be sensitive to the concerns of all the parties here. That is the reason that we have what we call multiple use sustained yield. That was really a concept by Frank Church.

We have tried to honor that.

But I have also been a great proponent of wilderness areas and a great proponent of setting aside esthetic areas. An English philosopher once said that there is nothing more utterly impossible than undoing that which has already been done.

Once you destroy these areas, you cannot restore them. I tried to get a wilderness bill passed when I was governor. It was one of the two or three bills that I failed to get passed. One legislator said I don't know what the hell he's talking about; you can grow a wilderness anywhere. [General laughter.]

Senator BUMPERS. Well, thank you all again for being with us. I apologize for cutting some of you short, but I was afraid we were going to have to leave here before we got finished.

Thank you very much.

The subcommittee will stand in recess until the next call of the Chairman.

[Whereupon, at 2:50 p.m., the hearing adjourned.]

[Subsequent to the hearing the Department of Agriculture submitted the following:

DEPARTMENT OF AGRICULTURE
OFFICE OF THE SECRETARY
WASHINGTON, D. C. 20250

JUL 7 1987

Honorable Dale Bumpers
Chairman, Subcommittee on
Public Lands, National Parks and Forests
United States Senate
Washington, DC 20510

Dear Mr. Chairman:

This letter is in response to your questions of June 3 regarding H.R. 799, a bill "To designate a segment of the Kings River in California as a wild and scenic river, and for other purposes."

Question 1. You asked about differences in management direction between Draft Forest Plans for the Sierra and Sequoia National Forests and why it would not be appropriate for the entire Special Management area to be managed by the Sierra National Forest.

Response: The Sequoia National Forest Draft Plan proposed managing the portion of the Kings River Further Planning area that is within the river corridor for water-oriented recreation. The eastern two-thirds of the area would be managed for wildlife habitat and dispersed recreation. Range management is proposed for the remainder of the area. Timber management prescriptions would be applied to three small areas located on the highest portion of the canyon rim, beyond view from the river. These areas proposed for timber management are 1 1/2 to 4 miles from the river, and they are contiguous to a timbered area outside the roadless area. Although the Sequoia draft plan proposed managing these small areas for timber, the management direction for the majority of the roadless area is similar to that in the Sierra National Forest Draft Plan.

We oppose establishment of a special management area. However, if a special management area is established, we prefer that the present National Forest boundaries be retained for management efficiency and to maintain the distribution of receipt monies to the counties. If the Sierra National Forest boundary was adjusted to encompass the entire special management area, Sierra National Forest personnel would have to travel past the Hume Lake Ranger Station of the Sequoia National Forest to manage that portion of the area south of the Kings River.

Question 2. You asked how much timber would be cut in those areas of the Sequoia National Forest within the proposed special management area, the proportion of the allowable sale quantity of both forests that is contained in those areas, and how much of the harvest level would come from Sequoia trees.

Response: The portion of the Sequoia National Forest currently within the roadless area which is proposed for timber management in the Draft Forest Plan could produce 600,000 board feet per year on a sustained yield basis. The total allowable sale quantity recommended in the preferred alternatives of the two forest plans is calculated at 227 million board feet. Thus the lands within the roadless area would provide about one-quarter of 1 percent of the allowable sale quantity for the two forests. We assume the reference to "Sequoia trees" means the Giant Sequoia species of tree. No Giant Sequoias are scheduled for harvesting.

Question 3. You asked why the position of the Department of Agriculture changed in regard to supporting Wild and Scenic River designation of the lower main stem of the Kings River in testimony before the Senate subcommittee, when we opposed designation of that section of the river in testimony before the House subcommittee.

Response: We did not oppose designation of the lower main stem of the Kings River in testimony before the House subcommittee on March 5. We supported the Draft Sequoia Forest Plan which recommended a deferral regarding designation of that section of the river until the Kings River Conservation District had completed its study. After it was publicly announced that the Kings River Conservation District was dropping its study, we recommended to the Senate subcommitee on May 21 that the Congress reconsider designation of the lower 13-mile section.

If you have furthur questions or need clarification we will be pleased to provide additional information.

Sincerely,

Douglas W. MacCleery
Deputy Assistant Secretary for
Natural Resources and Environment

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